CORRESPONDENCE

ON THE SUBJECT OF

THE SCHOOL LAW

FOR

UPPER CANADA.

The EDITH *and* LORNE PIERCE
COLLECTION *of* CANADIANA

Queen's University at Kingston

COPIES

OF

CORRESPONDENCE

BETWEEN

MEMBERS OF THE GOVERNMENT

AND THE

CHIEF SUPERINTENDENT OF SCHOOLS

ON THE SUBJECT OF THE

SCHOOL LAW FOR UPPER CANADA

AND

EDUCATION GENERALLY,

WITH APPENDICES.

[INCLUDING CORRESPONDENCE ON THE SUBJECT FROM MARCH 3, 1846, TO APRIL 25, 1850.]

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RETURN

To an Address, from the Legislative Assembly, to His Excellency, the Governor General, dated the 31st ultimo, praying His Excellency to cause to be laid before the House "Copies of all Correspondence that may have taken place between any "Member of the Government and the Chief Superintendent of Education, in Upper "Canada, on the subject of the School Bill, or on the subject of Education, generally, "or between any Member of the Government and other person in the country, on "the same subject, of an official character."

By Command.

J. LESLIE,
Secretary.

Provincial Secretary's Office,
Toronto, 5th June, 1850.

(Copy.)

EDUCATION OFFICE,

Toronto, 5th June, 1850.

SIR,

I have the honour to acknowledge the receipt of your letter of the 4th instant, requesting of me copies of the official correspondence which has taken place between any Member of the Government and myself on the subject of the Common School Law, for Upper Canada, and Education, generally.

I, herewith, transmit copies of all the correspondence which I have ever had with any Member of the Government on the subject of our School Law, and for the promotion of Education, generally.

The documents numbered seven were not strictly *official;* but as they are of an "*official character,*" and have been perused as such by the Members of the Government,—and as I do not wish to withhold any communications of any description whatever which I have had on the subject of the School Law, and as the publication of these papers has been assented to by all parties concerned, I readily include them among the documents herewith transmitted.

I have the honour to be,
Sir,
Your most obedient servant,
E. RYERSON.

The Honourable
James Leslie,
Secretary of the Province,
Toronto.

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SCHEDULE OF CORRESPONDENCE

Between the Chief Superintendent of Schools and Members of the Government, on the subject of the Common School Law, for Upper Canada, and Education, generally.

FROM.	NO.	DATE.	SUBJECT.
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ERRATA.

On the second column of the first page, second line from the top, *for* "collecting," *read* "collating."

On the second column of the sixth page, seventeenth line from the top, *for* "there was not a single one in any of the Incorporated Towns," *read* "there was not a single Incorporated Town in that District."

REPORT

ON

THE SCHOOL LAW OF UPPER CANADA.

I.

COPY OF A REPORT *on the School Law, and Explanatory Remarks, accompanying a Draft of Bill, making further provision for the Improvement of the System of Common Schools.*

(Copy.)

EDUCATION OFFICE,
Toronto, 14th October, 1848.

SIR,—In accordance with the requirements of the Common School Act, 9th Victoria, Chapter 20, Section 2, Clause 11, I have the honour to submit herewith, for the consideration of the Governor General in Council, such suggestions as appear to me, from personal inquiries and experience, to be necessary for the improvement of the system of Common Schools in Upper Canada.

On the 27th March, 1846, I had the honor to submit, with the requisite explanations, the original Draft of the School Act, 9th Victoria, Chapter 20; and on the 3rd March, 1847, I had the honor to submit, with corresponding explanations, the original Draft of the School Act, 10th and 11th Victoria, Chapter 19.—Copies of these communications will be found in the Appendix, numbered 6 and 7. Had the Drafts of these Acts passed the Legislature in the form in which they were submitted, I should have been relieved from troubling the Governor General in Council again with most of the suggestions which I feel it my duty to submit. But several changes were made in the details of these Bills, while before the Legislature, which have occasioned an immense deal of inconvenience and much dissatisfaction in the working of the Common School Law in Upper Canada. The change, or omission, or addition of a word or sentence may destroy the harmonious whole of a measure in a way which might not be conceived by any except those who were concerned in preparing it. In this way have some of the details of the Common School Acts referred to been rendered nugatory or lame and inconvenient. Should the propriety and necessity of continuing any of the provisions of the existing law, or the adoption of those which I have the honor to submit in the annexed Draft of a School Bill, be considered doubtful, I shall be happy to go before any Committee or Commission which may be appointed to investigate the subject.

Before stating the grounds on which I submit the provisions of the accompanying Draft of Bill, I think it proper to advert to the means which have been employed to ascertain the adaptation of the existing School Law to the circumstances of the country, and the objections which have been made against some of its provisions.

On the provisions of a Common School Law for Upper Canada, I have spared no pains to obtain the fullest, the most practical and the most reliable information. I have done so not by merely examining and collecting the Common School Laws of many other countries, and investigating their practical operations, but by extensive and patient inquiry, by means of correspondence and personal consultation, in the various Districts of Upper Canada. Two of the subjects of consultation at each of the District School meetings which I attended last autumn, were the following:—"1. To answer any questions which may be proposed, and give any explanations which may be desired, respecting the several provisions of the Common School Law. 2. To consider any suggestions which may be made for its improvement."

Thus, the provisions of the School Act, by previous public announcement, came under discussion at the public meetings held in the several Districts of Upper Canada; and many persons who had figured in the newspapers against the School Law, and others who had objections to it, or inquiries to make respecting its provisions, appeared on these occasions. But I found that, in almost every instance, the objections were against what had been erroneously represented or supposed to be the provisions of the School Act, and that when its provisions were made known and divested of the false colours with which they had been invested, scarcely any one at any single public meeting in Upper Canada, was disposed to object to them, or to desire anything more than such extension of the powers of Trustees and Councils as I propose in the provisions of the annexed Draft of Bill, and which I had previously submitted to the favorable consideration of the Governor General in Council. I know of no other law in Upper Canada which has been tested by such a popular ordeal; and at not a single one of the public meetings referred to, was a resolution passed, or even proposed, condemnatory of the School Law, or objecting to any of its leading features.

I think it proper to refer also to the proceedings of the various District Councils on this subject. An attempt was made about a year since, by a circular letter addressed to the District Councils of Upper Canada, to draw an expression of opinion from them unfavorable to the School Law; but the attempt failed, as a majority of three-fourths of the Councils either took no notice of the appeal made to them, or expressed themselves unfriendly to any change in the law. In the first section of my annual School Report for 1847, I have stated the circumstances under which dissatisfaction has arisen in the Western and Dalhousie Districts, and which no School Law can remedy, and which can only be remedied by the Councils themselves and the progress of knowledge. In no one instance has any Council complained of the administration of the Law by the Provincial Superintendent. An unfriendly allusion to him by the Bathurst District Council may readily be accounted for by the fact, that the Council of that District failed to raise its moiety of the School Fund for 1845, and the Provincial Superintendent insisted that a condition which had been

complied with by the other District Councils in Upper Canada ought to be fulfilled by the Council of the Bathurst District, as required by law.

In one or two instances the office and powers of the Provincial Superintendent of Schools have been objected to, as also the office of District Superintendent, and the establishment of the Normal School. In respect to the Normal School, I deem it inexpedient to add any thing to what I have stated in my Annual Report. In regard to the office of District Superintendent, I beg to refer to the Appendix to this Report No. 1. It cannot be supposed that all the District Councils have been equally fortunate in their selections or appointments to this office, and therefore its utility has not been equally exemplified in all the Districts. But I question whether there is any office in the Common School System of greater importance; and it is so viewed in Districts where the Schools have made the greatest progress, and where the office is filled by persons of zealous industry and suitable qualifications and experience.

As to the office and powers of the Provincial Superintendent, I have only to refer to the accompanying Appendix, No. 2, where the examples and laws of the neighbouring States, on this subject, are given at length. But I think it proper to remark here, that although during the last three years, I have had to decide upon several hundred cases of complaint, representation and appeal, arising out of the operations of the late School Act and the introduction of the present one—yet not an instance has been adduced, or even alleged, in which I have exercised the powers of my office improperly or injuriously. There is probably not a tribunal in the Province in which so many cases of doubt and dispute have been disposed of since January 1846, as in the Education Office for Upper Canada, constituting as it does a kind of equity tribunal of appeal in a system which includes all the District and City and Town Councils, nearly 3000 Teachers and 9000 Trustees, besides various other interested parties; and the fact that the Governor General in Council has not set aside one of its decisions, or even been appealed to in regard to but two of them, is a sufficient justification of their equity and the manner in which they have been communicated to parties concerned. I think it but just to remark also, that, as far as I know, not one of the various Regulations which have been prepared in the Education Office, as required by law, for the organization and management of Common Schools under the present law, has been appealed from or objected to as unjust or inexpedient. Nor has there been any failure in any of the measures which it has been my duty to submit for the establishment of a Normal School, and my recommendations as to its officers, besides the almost daily calls made upon me in respect to its operations and affairs, and the voluntary labour and responsibility of publishing a monthly *Journal of Education.**

An objection having also been made, in one instance, in respect to the respective powers, relations and duties of the Chief Superintendent of Schools and the Board of Education, I refer to Appendix No. 3, where the examples and usages of the countries from which our School System has been adopted are stated at large. It will there be seen likewise, that the office of Minister of Public Instruction in Prussia has not been political since 1817, and that the Head of the *Department of Primary or Common School Instruction in France* has never been a political office.

As to any measure which it may be thought expedient to adopt in regard either to the office of Superintendent of Schools for Upper Canada, or its incumbent, I have nothing to say; but I have considered it no more than an act of justice to myself, to make the above remarks and references. The statistics contained in my Annual Report furnish a sufficient illustration of what has been done under the administration of the present School Law; and it is worthy of remark that in those Districts where the Schools have most advanced, and where the greatest interest has been evinced to improve and elevate them, the Municipal Councils have formally objected to any proposition to change the provisions of the School Law. This has been done by the Municipal Councils of the Midland, Colborne, Simcoe, and Niagara Districts. If the provisions of the School Law were unnecessarily complex or cumbrous, it would doubtless be discovered in these, as well as in other Districts. In the Municipal Councils of the Johnstown, Prince Edward, Victoria, Talbot, and Huron Districts, I have understood the circular against the School Law was not even taken into consideration. From the Councils of the Eastern, Ottawa, Wellington, and London Districts, I have heard nothing on the subject. In the Brock District the Municipal Council at one Session adopted a hasty general resolution unfavorable to the School Law, but at the next Session when the subject was brought before the Council in a proposition to adopt the Memorial of the Gore District Council against the School Law, the mover, after a full discussion, withdrew his proposition—the Council unanimously refusing to entertain it. During the last January Session of the Home District Council, a Memorial to the Legislature against some provisions of the School Law, was adopted in Committee; but at the following June Session, after a notice had been given and a time appointed for considering the Memorial, it was abandoned by common consent.

The Memorial of the Home District Council having been withdrawn, (though it had been widely circulated and much commented upon,) and the principal objects contemplated in the Memorial of the Bathurst District Council being provided for in the accompanying Draft of Bill, the mutually antagonistic Memorials of the Gore and Colborne District Councils remain to be noticed; and as the latter contains all the remarks which appear to me to be called for in respect to the former, I give them both in the Appendix, Nos. 4 and 5.

These facts sufficiently indicate the deliberate convictions of the most experienced portion of the population in regard to the general provisions of the School Act—convictions founded upon actual inquiry and experiment, and not theories of speculation, or impulses of passion. No law which contemplates the removal of grovelling or selfish ignorance and the elevation of society by means of efficient regulations and popular assessment or taxation, ever has been, or ever will be, popular with the purely selfish or the listlessly ignorant. All such laws must be sustained for a time at least, by the joint influence of the Government and the intelligent and enterprising portion of the community. In such cases it is always in the power of the Government to turn the scale in favour of either knowledge or ignorance. The views and intentions of the present Government respecting the School Law having been a matter of doubt and various representation, the difficulty of administering it during the current year, has been increased, and persons opposed to its operations have not been wanting in their efforts to paralyze its authority and impede its success.

The principal allegation which has been made against the details of the School Law is, that they are "too complicated." But of this I have never seen any illustration given, nor any remedy proposed. I have never heard or seen it even stated in what parti-

* For means submitted to establish this Journal and to visit the Several Districts in Upper Canada. See Appendix No. 8.

culars the "too great complication" consists, or how they can be remedied. I have heard the broad and vague assertion that the "duties of Trustees are too complicated;" and to those who have not examined the subject, the assertion might seem an argument. But on asking the objector (as I have done at various public metings) whether the office of Trustees ought not to be continued in the machinery of the School Law, and whether Trustees must not, 1st., employ a Teacher; 2nd. Impose and collect rate-bills, and give orders on the District Superintendent for the Teacher's salary; 3rd. See the School-house is kept in repairs and warmed; 4th. See to the selection of suitable School-books; 5th. Make their Annual Report and Return of School-children to obtain their due share of the School Fund; 6th. Appoint the meetings for the election of their successors? The answer of the objector himself has, without exception, been in the affirmative; and my reply has been, and is, that these are all the duties that the law requires of Trustees, and therefore those duties are as few and as simple as possible in an efficient system of Schools. And to aid Trustees in the performance of these duties, forms and plain directions are provided for them.

It is true that with all these helps, many Trustees are incompetent to the duties of their office; but Trustees cannot be made competent by Act of Parliament. An Act of the Legislature cannot bestow intelligence, any more than it can impart intellect. It is indeed alleged, that competent Trustees are not to be found in many parts of the Province. If this were true, the objection would be against the office of Trustees, but not against the duties essential to it wherever it may exist. But I doubt the correctness of the allegation. I doubt whether there are ten School Sections in all Upper Canada, in each of which three men of some education and practical intelligence could not be found. I am persuaded that the most careful inquiry would show that the reason of incompetent Trustees has been the indifference and carelessness of the people in electing them—an evil which time and experience will yearly lessen, as it has already done.

It is also worthy of remark, that the duties of Common School Trustees are much more complex and onerous in the State of New York than in Upper Canada. *There, in addition to all* the duties required by law of Trustees *here*, the Trustees have to verify every report and return by oath or affirmation before a Magistrate; are liable to a fine of ten dollars individually for every departure from any of the voluminous instructions or decisions of the State Superintendent; a fine of twenty-five dollars each, and to be held guilty of misdemeanor, for every false report or false return; and a personal accountability for the amount, with interest, for all School moneys which may be lost to their School Division in consequence of their neglect of duty, or irregular proceedings.

It is on the provisions of our School Law relative to the duties of Trustees, that the charges of uninformed and inconsiderate objectors have been most frequently and plausibly rung, and without any reason whatever, as the above remarks and comparisons show. The result would be the same if I were to notice the provisions of our School Law respecting the duties of District Councils and Superintendents. It has been my endeavour from the commencement, to make the provisions of our School Law as few and as simple as possible, and to assimilate them to the other Municipal Institutions of the country; they are less than half as numerous as the Sections of any other popular School Law of the neighbouring States that I have seen; and I know not, after two years' experience, how any one of them can be dispensed with without injury to the efficiency of the whole.

The present Act has created no new office—no office which had not been authorised by two previous Acts;—but dispenses with one whole class of (more than three hundred) offices which had previously existed—thus simplifying the machinery and reducing the expense of administering the School system.

But still there are four classes or coteries of persons who always have been, and who, in all probability, will be opposed to the provisions of any and every general School Law, and who, though not numerous, make up in occasional dogmatism and vehemence what they want in numbers. 1. There are some School-masters—generally of inferior standing—who insist on being made independent of the Trustees—so that the Trustees cannot dismiss them or dispense with their services, without establishing some charge against them for violation or neglect of duty. 2. There are some Trustees—also of little capacity or intelligence—who insist upon having the right, (independent of agreement and without notice,) of dismissing a Teacher at any time, if he should not answer their expectations, or make himself generally popular. I have had to decide upon numerous complaints and appeals coming from both these classes of persons. 3. There is a third class of persons who are opposed to any other than *denominational* Schools.* 4. There is also a fourth class of persons who are opposed to any state system of Common School Education—who are therefore opposed to all taxes or assessments for the support of Common Schools, and who advocate leaving the education of the people to private voluntary effort.

Now, to have a system of Common Schools in harmony with our institutions, and yield to any one class of these objectors, is out of the question; but they, in connexion with other persons actuated by mere personal or party feeling, have opposed every step which has been adopted to establish and mature the present Common School system. With how little success, and what a small and insignificant portion of the community all these classes constitute, the foregoing references, and the statistics of my Annual Report, (for 1847,) afford ample evidence.

I have adverted to these facts and made these references, in order that the Government may have every information as to the character of the opposition to the School Law and the extent to which it has received the support of the country. The fact that opposition to it has diminished and disappeared just in proportion as it has become understood and been practically introduced in different Districts, is a sufficient justification of its provisions, and a sufficient refutation of the vague attacks that still linger in two or three solitary newspapers out of the whole press of Upper Canada.

The proposed Draft of School Bill, consisting of Fourteen Sections.

I now proceed to explain the grounds on which I submit to the favorable consideration of the Governor General in Council the few provisions which are contained in the annexed Draft of School Bill; in which I do not propose any thing which will require the change of a single existing form or regulation; but only to provide for wants which the progress of the system has created; and to supply defects which I have repeatedly pointed out in the existing law. I beg also to remark that I have consulted three intelligent and practical Educationists (William Hutton, Esquire, Superintendent of Schools in the Victoria District, D. D'Everardo, Esquire, Superintendent of Schools in

* For answer to the objection that the City and Town School Act permits the establishment of *denominational* Schools, see the third miscellaneous observation in the conclusion of my annual Report for 1847, page 23.

the Niagara District, and A. K. Scholfield, Esquire, an experienced Councillor and sometimes Acting Superintendent in the same District,) on the Draft of Bill which I herewith submit, and they fully concur with me in the expediency of its provisions, and that changes in the provisions of the existing School Law would be attended with great inconvenience and injury to the interests of Common Schools.

First Section. The object of the first Section of the accompanying Draft of Bill is to give Boards of Trustees in Cities and Towns the same power to impose and collect rate-bills which the law confers upon Trustees of Common Schools in the rural districts. It is known that the only means provided by 10th and 11th Victoria, chapter 19, to raise the salaries of Teachers in Cities and Towns, is by assessment imposed by the Councils or Boards of Police—securing to all children of School age the privilege and right of attending School without any further burden or hinderance of rate-bills. The attendance of pupils at the Common Schools in the several Cities and Towns in Upper Canada, since the introduction of this Act, is from one-third to one-half more than it was before; but notwithstanding this increase of pupils in the Common Schools of the City of Toronto (as well as in other Cities and Towns) during the first-half of the current year, the Council has closed the Schools—refusing to provide for their support upon the principle of Free Schools during the second-half of the year. I am not aware of any other instance of a City or Town Council or Board of Police in Upper Canada having adopted such a course.

Though I am convinced of the equity, the patriotism, and the great importance of the Free School System, and am perfectly satisfied that it will ultimately obtain in all our Cities, Towns, and Districts; yet I have not desired other than its *voluntary* introduction in any District, City or Town. On referring to my communication to the Provincial Secretary of March 27th, 1847, enclosing the *original* Draft of the Act 10th and 11th Victoria, Chapter 19, it will be found that I proposed investing the Boards of Trustees for Cities and Incorporated Towns with the same power which I propose in the accompanying Draft of Bill—that each Council or Board of Police might exercise its own discretion as to raising a part or the whole of the Teachers' salaries by assessment, and leaving a part or none to be raised by rate-bill imposed by the Trustees on the parents of children attending School. In the *third* Clause of the *fifth* Section of that *original* Draft of Bill, it was proposed to empower the Board of Trustees, amongst other things, "*to impose any additional Rate-bill which they may judge expedient for paying the salaries of School Teachers, for furnishing the School or Schools under their charge with suitable apparatus and books, and for repairing, and warming, and keeping in order the School house or School houses in their possession, and to employ the necessary means for collecting the same.*" But the Attorney General being impressed with myself of the importance of the Free School System, and being of opinion, that as the *Eighth* Section of the Bill invested the Council or Board of Police of each City and Town with power to do the same thing, it was not desirable to invest the Board of Trustees with like power; and the clause above quoted, was altered as follows—(as it exists in the printed Act,) "*to prepare from time to time, and lay before the Corporation of such City or Town, an estimate* of the sum or sums which they may deem expedient for paying the salaries of School Teachers," &c. &c. I regret exceedingly the alteration in this Clause of the original Draft of the City and Town School Act; and I propose by the *First Section* of the annexed Draft of Bill to restore virtually the original Clause. There will then be the same discretion in Cities and Towns to adopt either the Free School, or the Rate-bill System as now exists in Districts; and should the *First Section* of the annexed Draft of Bill become law, in connexion with the existing Act; every City and Town can establish what kind of Schools they may think proper and support them in any way they please—the law only providing those guards which are essential to a Public System of Elementary Instruction.

The *Second Section* of the annexed Draft of Bill proposes to give all Trustees of Common Schools power to do what I sought to get them empowered to do when I submitted, (on the 3rd March, 1846,) the original Draft of the Act, 9th Victoria, Chapter 20. In the *sixth* Clause of the *Twenty-sixth* Section of the original Draft of that Act. I proposed to empower Trustees, if they thought it expedient, to "cause the rate-bill to be made on all the inhabitants of their School Section according to the valuation of property, as expressed in the Township Assessor's Roll, who shall allow any one of the Trustees, or their authorized Collector of each School Section in his Township, to make a copy of such Roll so far as it relates to such School Section respectively." I have been repeatedly assured in various Districts that had this Clause become law, great inconveniences to Trustees, and great hindrances to the efficiency of the Schools and the attendance of children, would have been prevented. The Second Section of the annexed Draft of Bill proposes to invest Trustees with this discretionary power. Should it become law, Trustees will have the option of four different methods of raising the salary of their Teacher—namely, by voluntary subscription,—by Rate-bill on parents sending children to the School,—by imposing a Rate-bill on all their constituents according to property,—or by applying to their Council to do so. I cannot see any objection to giving such discretion. The best method of supporting the Schools will ultimately obtain, and all others will be abandoned. But if you attempt *to force* even the best method upon any School division, you excite prejudice and rouse resistance against it, and do more harm than good. You likewise embarrass and discourage the adoption of the best means of supporting Schools when you impose obstacles in the way of their attainment. This is the case when Trustees are prevented from adopting the *free system* of supporting their School *without applying to the District Council* for a special assessment for that purpose. Making such applications is attended with a good deal of trouble and delay, and sometimes disappointment; for a single selfish individual, who may happen to be a party friend and supporter of the Township Councillor, can often defeat, in the District Council, the application and arrangements of any corporation of responsible Trustees in his Township. This has been already done in several instances in different Districts; and Trustees, sooner than incur so much trouble and difficulty, have allowed their Schools to drag on in the old way. If a Council consisting of one or two elected Councillors from each Township, can impose assessments upon the whole District for any District purposes, without the interposition of the Provincial Legislature, I see not why three elected Trustees for each School Section should not be invested with power to support the School of their own Section in their own way, without the interposition of the District Council. The majority of the School electors in a School Section, will elect Trustees who will carry into effect their own wishes as to the mode of supporting their School. Thus public opinion in each School Section will directly operate on the interests of the School; and the very discussion of such questions by the people in each School division will tend to waken attention to the importance of Common School Education, and promote its extension. Then, on the other hand, no evil or inconvenience can

arise from leaving to the Municipal Council its present power as to separate School Section assessment, as it will never be exercised unless desired by Trustees themselves. It will be observed that I do not propose to give Trustees power to impose Rate-bills for the *building of School-houses*, or the *purchasing* of School premises. These belong to the *Council;* and to the Council alone, therefore, is confided the power of providing the means of procuring or erecting them.

On the evils of the present Rate-bill system, arising from the insufficient powers of Trustees, I need not here remark. They are evils which I have, from the beginning, sought to remedy; and for convenient reference, should any Member of the Government wish to ascertain the character and extent of these evils, I subjoin in the Appendix, Nos. 6 and 7, my remarks accompanying the former Drafts of Bills. The too limited powers of Trustees to provide for the necessary repairs and furniture of School-houses and salaries of Teachers, has occasioned more dissatisfaction and embarrassment in the operations of the School system than any other subject whatever. I refer to the documents Nos. 6 and 7 in the Appendix for a full view of the inefficiency and injustice to Trustees of the present system.

The *Third Section* of the accompanying Draft of Bill proposes to enable Trustees to provide the necessary text-books and apparatus requisite for their School. It is found that the *fourth* and *fifth* clauses of the *Twenty-seventh* Section of the Common School Act is not sufficiently full and explicit on this point. The power I here propose to give Trustees is possessed by all Trustees and School Committees in the neighbouring States. The *tenth* clause of the *Twenty-seventh* Section of the Act empowers Trustees to select the books for their School; but if they are not empowered to procure them also, any parent, who may refuse to do so, can defeat the object contemplated by the selection of an uniform series of text-books, and prevent the classification of pupils in the School. The obvious necessity and importance of the proposed Section will supersede the necessity of any further remarks upon it. It will be seen that this Section has no reference to School *Libraries*, but only to *books and apparatus "for the use of pupils in the School."*

The *Fourth Section* proposes to provide for the admission of pupils over sixteen years of age to the Common Schools, upon the same terms and under the same regulations as children of legal school age. The law defines the school age to be from 5 to 16 years. The law of the State of New York does the same; and such a definition and limitation are requisite where school population is made the basis of distributing the School Fund. But I think no such limitation is required as to the *attendance* of pupils at the School. Much inconvenience and many disputes have arisen from the limitation of the law as it now stands. It is justly said that if a farmer does not teach his sons to work on the farm before they are sixteen years of age, they will become averse to work, and never make good farmers. But children cannot acquire a proper education before they are sixteen years of age without constant attendance at School. There is also comparatively little for many farmers' sons to do in the winter, especially since the introduction of threshing and other labour-saving machines; so that not a few farmers' sons get the greater part of the education by going to school in winter after they are sixteen years of age. It appears to me inexpedient, as well as injurious, to throw obstacles in the way of young persons attending the Common Schools as long as they please. I think that facilities should rather be afforded them for doing so. I have had many requests to get the law amended in this respect.

The *Fifth Section* of the annexed Draft of Bill is intended to secure to the inhabitants of each School Section full information annually respecting all their School affairs, as well as an account of the expenditure of their School moneys. At the present time there is no way of making Trustees account for the School moneys of the Section, or of enabling them to vindicate themselves from unjust accusations. Complaints have been made to this Office of Trustees misapplying moneys which had been raised for the building or repairs of School houses. It has been said that Trustees have assumed the work of building or repairing a School house, and then paid themselves extravagantly for so doing. The law of the State of of New York requires Trustees to account to their *successors*, and authorizes such successors to prosecute their predecessors for School moneys not accounted for. But this supposes changes in the persons of Trustees, and appears to me to be attended with great delays and inconveniences. I think the method proposed in the Fifth Section of the annexed Draft of Bill will be found simple, efficient, and popular. The proposed mode of having the Trustees' Annual Report read at the Annual School meeting obtains in the State of Massachusetts with the happiest effects. And if Trustees are improperly accused by any individual respecting their mode of expending School moneys, they can request the annual meeting to appoint a person, in connexion with one of their own selection, to examine their accounts. Such an *exposé* of all the financial and statistical affairs of each School Section at the annual meeting, cannot fail to give additional importance to such meeting, and be the means of eliciting and diffusing much useful information, and exciting much additional interest, on the subject of Common Schools. Thus, in connexion with the increased powers of Trustees in respect to financial matters, it is proposed to afford increased facilities for securing to their constituents an annual account of the exercise of those powers.

In the *Sixth Section* of the annexed Draft of Bill, it is proposed to guard against false reports and false returns. As the School Fund is distributed to the several School Sections in proportion to School population or School attendance, there is a *pecuniary* temptation for Trustees and Teachers to exaggerate in their reports or returns. By the School Law of the State of New York the penalty for any such false report or false return is $25, and punishment for misdemeanor. There, also, every report and every return and account, must be verified on *oath before a Magistrate*. But I do not like such multiplication of oaths; nor do I think it is an efficient remedy for the evil—which I fear is not an imaginary one. Besides it would be exceedingly troublesome for Trustees to go before a Magistrate to certify on oath every School Report or account which they might transmit to the District Superintendent or Council. I think the proposed remedy will be sufficient; and as any person can complain in case of such false report or return, the inhabitants of neighbouring Sections will be a check upon each other in respect to exaggerated returns.—Thus much in relation to Trustees.

In the *Seventh*, *Eighth*, *Ninth*, and *Tenth* Sections of the annexed Draft of Bill, I propose to give some additional powers to *District Councils*.

The *Seventh Section* proposes to authorize the appointment of a second Superintendent of Common Schools in any District in which there are more than 150 Schools. A similar provision in respect to Counties was incorporated into the School Law of the State of New York in 1844. I proposed the same Section in the original Draft of last year's School Bill. It passed the House of Assembly, but was inconsiderately

omitted by the Legislative Council. In both the Home and London Districts, only two-thirds of the Schools were visited during the last year ; and I have heard of Schools in the Home District which have not been visited by the District Superintendent for two years. The reason assigned is, that the District is too large for one man to visit all the Schools, and attend to the other duties of a District Superintendent. In the State of New York, a *Summer* and *Winter* visitation of the Schools is required, and a report of each. I do not propose to make it *imperative* upon a District Council to appoint a second District Superintendent in the cases referred to, but to invest it with discretionary power to do so.

The *Eighth Section* provides for what I have intimated in my Annual Report, under the head of " Certificates of qualifications to School Teachers," is a desideratum in the School Law—an uniform and efficient method of examining and classifying Teachers. Formerly Certificates of qualification were given by both District and Township Superintendents. On doing away with the office of Township Superintendent, it did not appear desirable to place the standing of all the Teachers in each District in the hands of a single individual—the District Superintendent—who sometimes had differences with them on financial grounds ; and it would also appear a great inconvenience to Teachers. It was therefore proposed to authorize any two School Visitors to give a special certificate to a Teacher for one School and for one year. But I stated that this arrangement was but a transition-step from an inefficient and defective system to a better one, which I should propose as soon as the work of Common Schools would get a little more advanced. In various Districts during my tour twelve months since, I stated these views and indicated the plan which is embodied in the Eighth Section—namely, the appointment of a Board of Examiners by each District Council, the District Superintendent being Chairman and convener. My Annual Report shows that, comparatively, a very small number of Teachers get certificates of qualifications from Visitors —a *fact* which can *now* be adduced to show the inexpediency of continuing the practice. The proposed plan will relieve the District Superintendent from much personal responsibility, and prevent certificates from being given, as is often the case, upon the ground of pity to the applicant who begs for it as the only means of subsistence. It will be a great saving of time to the District Superintendent, as he will have to devote only four or eight days in a year to examining and giving certificates of qualifications to Teachers ; whereas now he is liable to be called upon every week day in a year by individual candidates for that purpose. And some Superintendents in large Districts assign this fact as a reason for not visiting the Schools more—though I have advised that public notice should be given by the District Superintendent, that only on certain days of each month he would be at home to examine and pay Teachers. The proposed plan will have a salutary influence upon Teachers, and prompt them to improvement—when they have to meet upon a common ground and in one place with others, and be judged according to their merits by a common standard. It will also afford the means of carrying into beneficial operation the *Forty-first* Section of the Common School Act, which requires the three-fold classification of Teachers according to a Programme which shall be prepared by the Superintendent of Schools with the concurrence of the Board of Education and under the sanction of the Governor General in Council. Such a Programme for the Examination and Classification of Teachers I shall be prepared to submit on the Eighth Section of the annexed Draft of Bill becoming law. In accordance with such a Programme, first-rate Teachers would occupy their proper place of distinction, and the profession would be gradually sifted of incompetent members, and be elevated in character, respectability, and efficiency—becoming both a means and indication of the advancement of society. The proposed Section allows a whole year for carrying this important improvement into effect in each District, after the appointment of the Board of Examiners.

The *Ninth Section*,—authorizing each District Council to establish one or more Schools for the children of coloured people—is submitted with extreme pain and regret. I had hoped that the Act authorizing different kinds of Schools in Cities and Incorporated Towns would, to a great extent, meet the case of this class of our fellow-subjects; but I was surprised to find, during my tour last autumn to the Western District, (where there is a large number of coloured people,) there was not a single one in any of the Incorporated Towns. These people are taxed for the support of Common Schools as are others ; yet are their children excluded from the Schools. I have exerted all the power that I possessed, and employed all the persuasion I could command, but the prejudices and feelings of the people are stronger than law. In the Western District there happened to be nearly £200 balances of School moneys of previous years in the hands of the District Superintendent ; and under the authority of the 13th Section, clause 9, of the School Act, I requested the District Superintendent to aid the Schools of the coloured people according to their population, so as to place them on an equal footing with their white neighbours. I have done the same in other Districts when appealed to. But this is a contingent and imperfect mode of doing justice to the coloured people. I therefore propose the Ninth Section of the annexed Draft of Bill to meet their case.

The *Tenth Section* proposes to invest, in explicit terms, each District Council with power to decide as to the sites of School houses. In cases of complaint or appeal to this Office relative to sites of School houses, I have invariably referred them to the District Council within the jurisdiction of which the parties concerned resided—stating my belief that the Council was the proper tribunal to decide on such cases. Nevertheless, as the Act is not explicit on this point, I propose the Tenth Section.

The *Eleventh Section* proposes the repeal of the clause of the Common School Act which prohibits the giving Certificates of qualification to aliens. I have in my Special Report of June, 1847, intimated my doubt as to the necessity or beneficial operation of this clause of the Act. From what I learned during my tour last autumn, I believe the effect of this clause is injurious. It has, in many instances prevented the employment of good Teachers, and necessitated the employment of very inferior ones. In most cases it is of no consequence ; and in the cases where it is of practical importance, I think the matter may be safely left to the local School authorities. This is the only *repeal* Section which I have to propose

The *Twelfth Section* proposes giving a discretionary power for the distribution of the School Fund in each District to the several Schools according to *attendance*, instead of according to School population. The Bathurst District Council has strongly advocated *attendance* as the basis of distributing the District School Fund. As population within certain ages has been invariably adopted in all the popular School Laws with which I have met, as the basis of distributing the local School Fund of each County or Town, as well as the State or National Fund to the several Municipal localities, I hesitated in proposing any other until within a few months since, when I received the last Annual Report of the Massachusetts Board of Education, in which I find the distribution of the

School Fund recommended to the Legislature with a force of argument which, I think, cannot be resisted. I find experienced persons whom I have consulted of the same opinion. I find on examination, that in many large School Sections, the attendance of pupils is often not larger than in small ones. Distributing the School Fund according to *attendance* will therefore be favorable to small Sections. I find also that the attendance of pupils in new and poor rural Sections and Townships is larger in proportion to the whole School population, than in older Townships and Cities or Towns. The adoption of the proposed principle of distribution, will therefore be favorable to the newer and poorer sections of the country. This is the result of a most extended inquiry into the statistics of School *attendance* as compared with School *population* in the State of Massachusetts; and the Secretary of the State Board of Education concludes his argument on this point with the following impressive remarks:—

"It is most obvious, then, that an apportionment of the income of the School Fund, according to the average attendance of children upon the School—taking the mean of attendance for both Summer and Winter Schools—would conduce greatly to the benefit of the smaller, the more agricultural, and the more sparsely populated Towns. It would distribute the bounty of the State on the principle of helping those who help themselves. It would confer the benefit of the income on the children who attend the public Schools, instead of bestowing it in behalf of children who attend Academies and private Schools, and never enter Public Schools at all; and thus it would give a practical answer to the pertinent question why money should be given to those who disdain to use it. And, lastly, it would be a new argument of great weight in many minds in favor of a more uniform attendance upon School; because, the detention from School of any child who ought to be in it, would diminish the Town's share of the income, and thus inflict palpable injustice, not only on the absentee, but on all the other children in the Town."

The *Thirteenth Section* proposes a small provision for commencing the establishment of Common School Libraries. I propose to do so on the same principle and in the same manner with that which has been so extensively and so successfully adopted in the neighbouring States—except that the regulations for this purpose are *there* made by the sole authority of the State Superintendent of Schools, whereas I propose that *here* such regulations shall be sanctioned by the Governor General in Council.

On the importance of such a provision, I need not say a word. On this Section becoming law, I shall soon be prepared to submit a draft of the requisite regulations for carrying it into effect, and also to suggest means by which a selection of suitable books may be made and procured from England, and the School Libraries of the States of Massachusetts and New York, and submitted to the consideration of the Board of Education, and then the modes of procuring at the lowest prices, for any part of Upper Canada, the books which the Board may sanction for Common School Libraries.

The *Fourteenth and last Section* proposes to provide for the holding of Teachers' Institutes in the several Districts—temporary associations of Teachers which have long been held in Germany, and which have, during the last three or four years, been introduced with great success in the States of New England and New York. At these associations, daily Lectures are delivered by persons previously appointed, modes of instruction explained and exemplified, and the various means of improving the teaching, discipline, and efficiency of the Schools considered. I propose the same amount to each District in which one or more of the Institutes may be held, as has been granted by the Legislature of Massachusetts for each Institute in that State. This aid is not authorized unless "reasonable assurance" is given that "a number not less than seventy Teachers of Common Schools will attend." But in our rules and regulations for holding these Institutes, the minimum number of Teachers promising to attend may be fixed at forty or fifty. The Secretary of the Massachusetts Board of Education says:—"Our law restricts the expenditure of each Institute to the sum of two hundred dollars. In some cases where the place of meeting has been remote, and where, in addition to the cost of Teachers, Lecturers, rooms, fuel, attendance, and so forth, I have been obliged to procure some indispensable apparatus, the actual expense has exceeded the amount of appropriation." The Massachusetts Board of Education, in their Report for 1846, remarks:—

"A most beneficial effect has resulted from the enactment of the law of the last political year, providing for the establishment of Teachers' Institutes. The great object aimed at was, of course, the improvement of Teachers in qualification for their work, and all which could have been expected from the instruction of so limited a number of Teachers, for so short a period of time, has been fully accomplished. But they have produced a still more general effect. The assemblage of a large number of Teachers in a single Town, for a period of ten days, their assiduous devotion to the means provided for their improvement in the art of teaching, and the influence of those friends of popular education who have devoted time and labour to the instruction of the Teachers assembled, have given an important impulse to the people of the respective Towns where the Institutes were held, and made them zealous coadjutors in the work of education.

"In some cases the full benefit of the new means of instruction was not realized by those for whose improvement the liberal appropriation was made by the Legislature. This is the first year, during which Teachers' Institutes have been held in Massachusetts, under the patronage of the State; and perhaps it was not to be expected that the community should, at once, become acquainted with all the terms and conditions on which they were established, and with the observances and regulations essential to their highest utility. But all mistakes, arising from the novelty of the institutions will doubtless be rectified by time and further opportunities for information."

The Secretary of that Board, in his Report for last year, observes:—"Teachers' Institutes have now been held in Massachusetts for three successive years,—their expenses have been defrayed, the first year, by the gift of one thousand dollars, made by a well-known friend of education; and the last two years, by an appropriation from the State Treasury. They are found to fulfil their promises of utility. They are now held not only in New York and New England, but in all parts of the country where Common School Education is perceptibly advancing."

I had prepared two more Sections—the one providing for the payment of School moneys to the District Treasurer instead of the District Superintendent, and the other providing for the collecting and paying of District Council School assessments after the 1st of January 1850, between the first of January and the first of July of each year, and the payment of the Legislative Grant on the 15th December, (the order of providing for the two parts of the School Fund observed in the State of New York, and which secures the punctual payment of the School Fund to Teachers, and completeness in the financial report and payments of each year,) but, on consulting the gentlemen to

whom I have referred at the commencement of this communication, I have found that some difficulty and dissatisfaction might attend the introduction of such provisions, and I have therefore thought it advisable to make a longer trial under the present provisions of the School Law in order to secure punctuality and efficiency in this vital part of the Educational System.

It is not possible, within any tolerable limits, to explain satisfactorily in writing the reasons and working of the several provisions of a School Bill. Should any further information be required on any of the Sections of the annexed Bill, or on any matter relating to the law or system of Common Schools in Upper Canada, I shall be happy to furnish it.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed) E. RYERSON.

The Honorable James Leslie,
Secretary of the Province,
Montreal.

[*Note.* The Draft of Bill referred to in the foregoing communication is included in the final Draft of Bill submitted on the 23rd of February, 1849. See the following communication under that date.]

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No. 8.—Copy of a Letter from the Chief Superintendent of Schools for Upper Canada, to the Secretary of the Province, submitting the means of carrying into effect the 10th clause of the 2nd Section of the Common School Act, 9th Vict., ch. 20, which requires the Chief Superintendent of Schools "To employ all "lawful means in his power to collect and diffuse information on the subject of Education generally among "the People of Upper Canada," by the agency of a Journal of Education, and official visits by the Chief Superintendent of Schools, to the several Counties of Upper Canada,—dated the 29th of December, 1846.

APPENDIX.

No. 1.

(*From the "Journal of Education for Upper Canada,"—Volume* 1, *pp.* 29–31.)

(1.) OFFICE OF DISTRICT SUPERINTENDENT OF COMMON SCHOOLS.

The necessity and importance of this office has not for a moment been doubted by the framers of the last two School Acts for Upper Canada; nor by any person versed in systems of public instruction in any country. It is a matter of course in Great Britain, France, and Germany. The office in Upper Canada was borrowed from the New-York School system. The system of Common Schools in the State of New-York was formerly conducted under the local supervision of Town Commissioners and Inspectors; but the system proved most inefficient, until 1841, when these local offices were abolished and the office of County (identical with our District) Superintendent was created. Dr. Potter, in his Prize Essay, *The School and School-master*, (pp. 262–3), observes,—"It was to supply this lamentable deficiency on the part of trustees, town inspectors, and parents, that the office of *County Superintendent* was created. The creation of this office seemed to be loudly called for from all parts of the State. The law is framed nearly on the model of that which is considered the best law for securing School inspection that the world has yet seen, [that of Holland;] and it is regarded now, by the most enlightened friends of popular instruction throughout the country, and, I may add, throughout the world, *as the one measure*, without which our system must have remained comparatively inert; but with which, it must, if properly sustained, rise to excellence and cover itself with honour." But, during the last few months, some persons in Upper Canada—who have probably never investigated the subject—have formed quite a different opinion from Dr. Potter and his fellow-citizens. Of course, the utility of the office depends entirely upon the ability and diligence with which its duties are discharged. Where the incumbent of the office is incompetent or inactive, the whole system within his jurisdiction (with some rare exceptions) will remain stationary, or retrograde. He is the mainspring of the system in his District. In illustration of the importance of this office, and of the great usefulness of which it is susceptible, it will be sufficient to quote two paragraphs from the Report (pp. 17, 18, 19,) of the Superintendent of Common Schools for the State of New-York in 1844—the first paragraph describing the condition and character of the Common Schools in that State before the creation of the office of County or District Superintendent, and the second showing the early results of the labours of that office;—

"Up to the year 1841, the only class of officers whose special duty it was to visit and inspect the schools, and to provide a suitable body of teachers for their instruction, were the commissioners and inspectors of Common Schools. In what manner these important and responsible duties were discharged by them, has already been submitted to the Legislature, in previous reports from this Department. Incompetent teachers were permitted to take charge of *a great majority of the Schools*, under the official sanction of certificates of qualification, granted frequently without any previous knowledge of their character or attainments; and the visitations required by law were seldom, and in a majority of instances, never made. Trustees of districts contented themselves with discharging the duties specifically imposed upon them by law; and after having contracted with a teacher at the lowest prices they could obtain, and made the requisite arrangements for continuing the School for a length of time sufficient to enable their district to secure its proportionate share of public money, they rarely felt themselves called upon to investigate the condition of the School itself; and the *inhabitants of districts* conceived their duty discharged by sending their children, when convenient, to the School, and punctually paying their quota of the tax list or rate bill, when called upon for that purpose. No opportunity was afforded for comparing the condition of the School with that of others, near or remote; and each teacher, for the brief period, embraced in his contract with the district, without supervision, encouragement, or advice, daily passed through a tedious and monotonous routine of unintelligible, and consequently, uninteresting exercises. After an interval of three or four months, another teacher was employed, and the same process repeated, with such variations only as resulted from the substitution of one impracticable method of instruction for another. The profession of the teacher became, too often not without cause, disreputable—the School-house a by-word of repulsion—and the district School synonymous with all that was vulgar, low, immoral, and degrading. The repeated and concurring testimony of individuals and public officers, and the observation and experience of all who have had the means of knowing the condition of these schools, in the greater portion of the districts of the State, will corroborate the truth of the picture here reluctantly drawn. That there has not been a gradual and steady improvement in their condition, notwithstanding the obstacles they have been compelled to encounter, it would be equally unjust and untrue to assert: but under the disadvantages inseparable from an almost total absence of public or private supervision, that thorough and complete elementary education, which it was the policy and design of our system of public instruction to secure to every child of the State, has been almost universally withheld. But we may congratulate ourselves upon the accession of a new order of things, in relation to the workings of our system."

"The reports of the several County Superintendents which are herewith transmitted, exhibit unequivocal evidence of efficient exertions on their part, in the performance of the responsible duties assigned them by law, and by the instructions of this Department. To their efforts is to be attributed, to a very great extent, the revolution in public sentiment, by which the District School, from being the object of general aversion and reproach, begins to attract the attention and regard of all. To their enlightened labours for the elevation and advancement of these elementary institutions, we owe it in a great measure, that new and improved modes of teaching, of government, and of discipline, have succeeded in a very large proportion of the districts, to those which have hitherto prevailed; that a higher grade of qualifications for teachers has been almost uni-

versally required; that parents have been induced to visit and take an interest in the Schools; that private and select Schools have been to a considerable extent discountenanced, and the entire energies of the inhabitants of districts concentrated on the District School; and that the importance, the capabilities, and extended means of usefulness of these nurseries of knowledge and virtue, are beginning to be adequately appreciated in nearly every section of the State. Collectively considered, these officers have well vindicated the confidence reposed in them by the legislature and the people, and justified the anticipations of the friends of education."

No. 1—(*Continued.*)

(*From the "Journal of Education for Upper Canada."—Volume* 1, *pp.* 153–156.)

(2.) DIFFICULTIES AND SALARIES OF DISTRICT SUPERINTENDENTS.

In previous numbers of this Journal we have remarked upon the duties and responsibilities of District Superintendents; we will now make some observations on their difficulties and salaries.

When the rare qualifications appropriate to the office of a District Superintendent are pourtrayed, and when the importance and advantage of his attending with sleepless vigilance to each of his varied duties is insisted upon, it is just and proper also to take into consideration the difficulties of his situation, and the remuneration necessary to secure his required and expected efficiency.

The mode of his appointment and the tenure of his office are not unfrequently a source and occasion of embarrassment to a District Superintendent. He is appointed and holds his office by the suffrages of an elective body; and the persons at whose pleasure he retains his office constitute a portion of those among whom he is to discharge his duties impartially and energetically, according to the regulations provided by law, "without fear, favour, or affection." It happens sometimes that some of the Councillors who appoint the District Superintendent to office are Trustees of Schools, and parties in matters respecting which he is called upon to decide. We have been informed of instances in which a District Superintendent has been threatened in regard both to his salary and office with the fullest exercise of a Councillor's opposition and influence, in case he (the Superintendent) should not support the claims or recommendations of such Councillor. We trust such instances are few; but it is very natural that they should, on some occasions, occur among three or four hundred persons, each of whom has a direct or indirect interest in some School Section. It has also happened in several instances that the constituents of a Councillor (those to whom he is under obligations for his election, and by whose support he hopes to be elected again) invoke his interposition with the District Superintendent to attain School money without fulfilling the conditions of the School law. It is too much to suppose that a Councillor should not in some instances yield to the solicitations of a constituent and neighbour rather than to the requirements of the School law, especially in the infancy of the School System. The Superintendent is thus placed between obligations of duty on the one side, and the wishes and influence of one or more persons on whose votes his continuance in office and his salary may depend. Other administrators of the law are accountable to the government, which in its turn is responsible to the country at large, through its Representatives in the Legislature; but District Superintendents being elected to office by local elective bodies, are liable to be affected by local circumstances, as well as those by whom they are chosen. Individual prejudice and sectional interest may sometimes come in contact with the intentions of the Legislature, and the requirements of the law, and the District Superintendent acting in his judicial capacity of deciding between parties, or on questions affecting parties, finds himself in a different position from that of the District Judge in the performance of kindred duties.

We advert to this peculiar and delicate position of District Superintendents, to impress upon all Councillors the importance of insuring to each District Superintendent that independence of action which every Executor of the law should possess in the performance of his official duties—that the law is to be his guide even in matters in which their own personal feelings and interests may be involved. A District Superintendent, who, from his standing, qualifications, ability, and experience, is looked up to by the Council as well as by the inhabitants generally, will be beyond the influence of any personal or local opposition. But such fortunate examples—fortunate for all parties—are rather exceptions, than the general rule. It is all-important, therefore, that the District Councils, having made the best possible selection for the office of District Superintendent, should enable him to feel that he has nothing to fear as long as he performs his duties efficiently *according to law.*

But the most onerous part of a District Superintendent's duties is, to visit the Schools throughout his District. He can prescribe certain days or weeks of certain months for the *payment* of teachers and the examination of candidates; but the visitation of the schools is literally the work of the year. The excellent article in this number of our Journal, from the pen of the Head-Master of the Provincial Normal School, clearly shows both the *importance* and the *labour* of School-inspection; and we observe that several District Councils have strongly insisted upon it. The fatigues, exposures, industry, and qualifications required in the performance of this most essential part of a District Superintendent's duty—especially in new Districts or settlements—cannot be easily appreciated. He must be upon the road, with a horse or conveyance of his own, during the greater part of the year. This involves no small item of expense—an expense from which most public officers are exempt, as they are not compelled to travel. Probably none will doubt that a District Superintendent's duties are much more onerous than those of a District Judge; nor will any doubt that his office is less important, or that it demands a lower order of varied qualifications. Why should, then, the salary of the one be so much less than that of the other? Can it be supposed that a District Superintendent can labour with heart and satisfaction, with energy and constancy, for a remuneration little more than sufficient for his horse-hire and travelling expenses—a remuneration less than that of many clerks or book-keepers in a merchant's shop? Can Councillors reasonably expect much and efficient service from a District Superintendent, if they refuse him a salary equal to that of a subordinate writing clerk in other public offices? It is gratifying to see Councillors alive to the importance of frequent and through school-visitations on the part of District Superintendents; but they should be equally liberal in encouraging Superintendents to do so by showing how highly they value such labours. It is quite unreasonable to suppose that the office of District Superintendent will be filled by men of proper qualifications and character for half the salary attached to other offices requiring lower qualifications and less labour. A cheap Superintendent, like a cheap School-master, is poor economy. The addition of £50 or £75 to the salary of a District Superintendent would not amount to a penny for each inhabitant of an ordinary District;

but it would be of no small importance to the comfort and labours of an individual, and to the character and efficiency of the most important educational office in a District.

No. 2.

(*From the "Journal of Education for Upper Canada."—Volume* 1, *pp.* 65–71.)

POWERS OF THE CHIEF SUPERINTENDENTS OF SCHOOLS IN THE UNITED STATES AND IN UPPER CANADA.

The powers of the Executive Government in administering the Common School System of Upper Canada, is a subject which has elicited some discussion; and from its great importance, and the apparent absence of any general information respecting it, even on the part of those who have spoken most confidently, we deem it advisable to consider the foundation and extent of those powers, and compare them with the powers possessed and exercised by the executive authorities of other popular governments from which our School laws have been derived.

Before proceeding in this inquiry, we beg to make two preliminary remarks. The first is, that *forms of government*, and *systems of education*, ought not to be confounded. The systems of elementary instruction in Prussia and Switzerland are substantially the same, though no two forms of government can differ more widely than the democracy of Switzerland from the despotism of Prussia. Thus may a system of instruction be borrowed from a country without adopting in any respect the political principles peculiar to its form of government. This remark furnishes an answer to two classes of objectors; to those who have objected to our School system because it in part exists under despotic monarchies, and to those who have objected to it because it has been chiefly adopted from democratic republics. The objection is in both respects fallacious, though it has been the theme of much thoughtless writing.

A second preliminary remark is, that there can be no provincial or state system of elementary education, unless it is *one* throughout the Province or State. To be one, there must be one central or governmental authority to direct its general operations. The fundamental object of what is called responsible government, is to stamp the public mind of a country upon the government in its composition, and in all its legislative and administrative acts, even in the smallest municipal divisions of the country. Each local officer and each local body ought to be subordinate to that Executive power which represents the voice of the whole country. This principle is common to both a republic and a free constitutional monarchy—only under the former, the people elect the Head of the Executive, while under the latter, they control the appointments of the advisers of the Executive authority.

The question now is, whether our School law invests the Government, through the Superintendent of Schools, with too much power in the administration of a public system of Common Schools? The plainest and most satisfactory method of answering this question, is to refer to the power with which the Executive Government, (through the Superintendent of Common Schools) is invested in the State of New York—from which our School law is derived—and the citizens of which are opposed to giving the Government any more authority than is absolutely necessary for the administration of the law. This part of the New York State system is thus summarily stated in "*A Digest of the Common School System of the State of New York*," compiled and published in 1844, by S. S. Randall, Esquire, General Deputy Superintendent:—

"At the head of the whole system—*controlling*, *regulating*, and *giving life* and *efficiency to all its parts, is the State Superintendent.* He *apportions* the public money among the several *counties* and *towns; distributes* the *laws*, *instructions*, *decisions*, *forms*, &c., through the agency of the County and Town Superintendents, to the several districts —*is the ultimate tribunal for the decision of all controversies arising under any of the laws relating to Common Schools*—keeps up a constant correspondence with the several officers connected with the administration of the system in all its parts, as well as with the inhabitants of the several districts; *exercises a liberal discretionary power, on equitable principles*, in all *cases of inadvertent*, *unintentional*, or *accidental omissions* to comply with the strict requisitions of the law; reports annually to the Legislature the condition, prospects, resources, and capabilities of the Common Schools, the management of the School Fund, and such suggestions for the improvement of the system as may occur to him: and vigilantly watches over, encourages, sustains, and expands to its utmost practicable limit the vast system of Common School Education throughout the State." (p. 80.)

The above extract shews that the duties of General Superintendent in the State of New York and in Upper Canada are similar, while his powers are more extensive and absolute there than here. The State School Fund is apportioned upon the same population basis there as here, and upon the same conditions,—except that the County Boards there are *required* to do what our District Councils are *authorized* to do, in respect to raising an amount by assessment equal to that apportioned by the State Superintendent.

On the subject of *forms* and regulations respecting which much has been written, the following is the New-York State Law:—

"The Superintendent shall prepare suitable *forms* and *regulations* for making all *reports*, and *conducting all necessary proceedings*, *under this Act*, and shall cause the same, with *such instructions as he shall deem necessary and proper, for the better organization and government of Common Schools*, to be transmitted to the officers required to execute the provisions of this Act throughout the State."—(*Passed in* 1812, *and still unrepealed and unmodified, after the experience of more than thirty years.*)

Such being the authority of the State Superintendent in respect to the rules for the organization and government of the Schools, it may be asked whether the several "officers required to execute the provisions of the law," are obliged to act in accordance with the instructions and regulations of the Superintendent? These officers are chiefly the County and Town Superintendents and the Trustees. In regard to the County (our District) Superintendents, the law is as follows:—

"The County Superintendents shall be subject to such rules and regulations as the Superintendent shall from time to time prescribe; and appeals from their acts and decisions may be made to him in the same manner, and with the like effect, as in cases now provided by law; and they shall make reports annually to the Superintendent at such times as shall be appointed by him, which shall be the same as are now required to be made by County Clerks, with such additional information as he shall require."—(*Passed in* 1843.)

In respect to Town Superintendents and Trustees, the provisions of the New-York State School Law are the following :—

" Town Superintendents of Common Schools, and *Trustees*, and Clerks, wilfully *neglecting to make any report*, or to *perform any other duty* required by law, or by *regulations* or *decisions* made under the authority of any statute, shall *severally forfeit* to their town, or to their district, as the case may be, for the use of the Common Schools therein, the sum of *ten dollars* for *each* such *neglect* or *refusal;* which penalty shall be sued for and collected by the Supervisor of the town, and paid over to the proper officers to be distributed for the benefit of the Common Schools in the town or district to which such penalty belongs; and when the share of *School* or *Library* money apportioned to any town or district, or *School*, or any portions thereof, or *any money* to which a town or district would have been entitled, shall *be lost* in consequence of any wilful neglect of official duty by any Town Superintendent of Common Schools, or *Trustees*, or Clerks of School Districts, the officers guilty of such neglect shall forfeit to the town or district the full amount, with interest, of the moneys so lost; and they shall be jointly and severally liable for the payment of such forfeiture."—(*Passed in* 1839, *and modified in* 1843.)

From this provision of the New-York State School Law, it is obvious that the moneys apportioned to a School Section may be forfeited by non-compliance with the requirements of the law, and that, in that case, the Trustees at fault are jointly and severally responsible for the moneys forfeited. It also appears that any *Trustee* who does not observe the *instructions* of the State Superintendent, or does not abide by any *decision* which he may make, is liable to a fine of ten dollars.

Such are the legal provisions for the efficiency and uniformity of the Common School System which the experience of thirty years has suggested to our American neighbours—provisions which give their Superintendent of Common Schools much more power than is conferred upon the Chief Superintendent in Upper Canada.

But this is not all. The Provincial Superintendent of Schools has no authority to recommend or reject a book from our Schools; all that he is authorized to do in that respect, is to discourage the use of unauthorized books; but the Superintendent of Schools in the State of New York can reject any book from the School Libraries that be pleases.

Again, it is enacted, in the School law of the State of New-York that,—

" No share of the public money shall hereafter be apportioned to any county in which a County Superintendent shall not have been appointed, *unless by order of the Superintendent of Common Schools.*" —(*Passed in* 1843.)

We may remind the reader that the *Counties* in the State of New York answer to our Districts, the Boards of Supervisors are analogous, in Common School affairs, to our District Councils, and the Clerks of such Boards are similar to our District Council Clerks. The following is the provision of their law as to the conditions of appropriating School money to a County :—

" It shall be the duty of the Clerk of the Board of Supervisors in each county in this State, on the last day of December in each year, to transmit to the Superintendent of Common Schools certified copies of all *resolutions and proceedings* of the Board of Supervisors, of which he is Clerk, passed or had during the preceding year, *relating to the raising of any money for School or Library purposes*, and to report particularly the *amount of such money* directed to be raised in *each town* of *such* County; and in case it shall not appear that the *amount required by law to be raised* for School and Library purposes has been directed to be raised during the year by the Board of Supervisors of any County, the Superintendent of Common Schools and the Comptroller may direct that the money appropriated by the State and *apportioned to such County be withheld until the amount that may be deficient shall be raised;* or that so much of the money apportioned to such County be paid to the Treasurer thereof, as shall be equal to the amount directed to be raised therein by the Supervisors of such County; and in such case the balance withheld shall be added to the principal of the Common School Fund." (*Passed in* 1839.)

Then, as to the conditions of paying School moneys to *Sections*, the following is the provision of the New York State Law :—

"In making the apportionment of moneys among the several School Districts, no share shall be allotted to any District, or part of a District, from which no sufficient annual report shall have been received for the year ending on the last day of December imme diately preceding the apportionment."

" No moneys shall be apportioned and paid to any School District, or part of a District, unless it shall appear, by such report, that a School has been kept therein for at least four months during the year ending at the date of such report, *by a qualified Teacher;* that *no other* than a *duly qualified Teacher* had at any time during the year for more than *one month* been employed to teach School in said District; and that *all moneys* received during the year, have been applied to the payment of the compensation of *such Teacher;* and no portion of the Library money shall be apportioned or paid to any District, unless it shall appear by the last annual report of the Trustees, that the Library money received at the last preceding apportionment was duly expended according to law, on or before the first day of October subsequent to such apportionment." (*Passed in* 1843.)*

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* The School Fund of the State of Massachusetts is less than half the amount of School Grant in Upper Canada for each child of school age; but no city or town in that State is entitled to receive any part of it without complying with *four* conditions, much higher and more stringent than those required of any District or School Section in Upper Canada. The following is quoted from the Report of the Secretary of the Board of Education for the State of Massachussetts, dated December, 1846, under the head of " Aids and Encouragements to Education."

" The conditions, the performance of which entitles a city or town to a distributive share of the income of the fund, are the following :—

" 1st. It must have raised by taxation, upon the polls and estates therein, for the payment of the wages and board of Teachers, and for fuel for the schools, a sum equal at least to *one dollar and twenty-five cents for each person between the ages of* 4 *and* 16 *years*, belonging to said city or town, on the 1st day of May. Statutes 1846, ch. 223, § 5.

" 2nd. It must have ascertained, through the agency of the School Committee, as soon as practicable after the first day of May, and by their actual examination, or in such other way as they may direct, the number of persons belonging to said city or town, on said 1st day of May, between the ages of 4 and 16 years, and the said number must be certified by the oath of the Committee. The Committee must also certify under oath the amount of money which the town has raised by taxation, for the payment of the wages and board of the Teachers, and for fuel for the schools. Ib. § 2. The certificates of the Committee must be signed and sworn to by a majority of the Committee.

" 3rd. It must, by its School Committee, have answered all the inquiries and filled all the blanks, contained in the Blank Form

The following provision has been in force more than twenty years to prevent false Trustee reports :—

"Every Trustee of a School District, or separate neighbourhood, who shall sign a false report to the Town Superintendent to apportion and pay to his District or neighbourhood, a larger sum than its just proportion of school moneys of the town, shall for *each offence, forfeit the sum of twenty-five dollars*, and shall be deemed guilty of a misdemeanor."

The following is the provision respecting the management of School District libraries :—

"A set of general regulations respecting the preservation of School District Libraries, the delivery of them by Librarians and Trustees to their successors in office, the use of them by the inhabitants of the District, the number of volumes to be taken by any one person at any one time, or during any term, the periods of their return, the fines and penalties that may be imposed by the Trustees of such Libraries for not returning, losing or destroying any of the books therein, or for soiling, defacing, or injuring them, *may be framed by the Superintendent of Common Schools*, and printed copies thereof shall be furnished to each School District of the State; *which regulations shall be obligatory upon all persons and officers having charge of such Libraries, or using and possessing any of the books thereof.* Such fines may be recovered in an action of debt, in the name of the Trustees of any such Library, of the person on whom they are imposed, except such person be a minor; in which case they may be recovered of the parent or guardian of such minor, unless notice in writing shall have been given by such parent or guardian to the Trustees of such Library, that he will not be responsible for any books delivered to such minor. And persons with whom minors reside shall be liable in the same manner, and to the same extent, in cases where the parent of such minor does not reside in the district." (*Passed in* 1843.)

On all the subjects above referred to, it will appear obvious to every one acquainted with the Canadian School Act, how much more extensive and efficient are the powers of the General Superintendent of Schools in the State of New-York than in Upper Canada. This is true in regard to several particulars, besides those above mentioned, as the following sections will show :—

"The Superintendent of Common Schools may designate and appoint any one of the Clerks employed by him to be his General Deputy, who may perform all the duties of the Superintendent in case of his absence or a vacancy in his office." (*Passed in* 1841).

"The Superintendent of Common Schools may appoint such and so many persons as he shall from time to time deem necessary, to visit and examine into the condition of Common Schools in any county where such persons reside, and report to the Superintendent on all such matters relating to the condition of such schools, and the means of improving them, as he shall prescribe; but no allowance or compensation shall be made to said visitors for such services." (*Passed in* 1839.)

"Any *County Superintendent* may be removed from office *by the Superintendent of Common Schools, whenever in his judgment sufficient cause for such removal exists;* and the vacancy thereby occasioned shall be supplied under his hand and official seal, until the next meeting of the Board of Supervisors of the county in which such vacancy exists. A copy of the order making such removal, specifying the causes thereof, shall be forwarded to the Clerk of the Board of Supervisors, to be by him laid before the Board at their first meeting thereafter." (*Passed in* 1843.)

"The Superintendent of Common Schools from year to year, shall be *authorized to subscribe* for so many copies of *any* periodical published at least monthly in this State, exclusively devoted to the cause of Education, and not partaking of a sectarian or party character, as shall be sufficient to supply one copy to each organized School District in the State; in which periodical the Statutes relating to Common Schools, passed at the present or any future Session of the Legislature, and the general regulations and decisions of the Superintendent pursuant to any law, shall be published gratuitously. The said periodical shall be sent to the Clerk of each District [Trustee Secretary-Treasurer] whose duty it shall be to cause each volume to be bound at the expense of the district, and the same shall be preserved in the District Library for the use of the district. The expense of such subscription, not exceeding *twenty-eight hundred dollars annually*, shall be paid out of the surplus income arising from the moneys deposited with this State by the United States. (*Passed in* 1841.)

We need scarcely say, that not one of these powers is possessed by the Superintendent of Schools in Upper Canada, who instead of expending two thousand eight hundred dollars of public money per annum for a monthly periodical, has gratuitously undertaken the labour of editing one himself, and publishing it upon his own responsibility. Were it necessary, other provisions of the New-York State Law might be quoted to the same effect with the above. It will thus be seen how groundless are the objections which have been made to the comparatively limited powers of the Superintendent of Schools for Upper Canada. It is painful to reflect that while our republican neighbours are gradually (as is shown by the dates of the several sections of their School law quoted above,) building up their Common School system in all its departments, by stringent provisions of the law and ample Executive authority, there are not a few in Canada who profess to admire the educational institutions and intellectual progress, as well as general prosperity, of the United States, and yet are opposing those very provisions of our School Law to which the American people are so much indebted. We say American people; for the School Law of the State of New-York is the model of the School Laws of the other Northern States from Maine to Michigan—with two exceptions. Four out of six of the New-England States have lately provided for a General Superintendent or Commissioner of Public Schools; and his powers are similar to those of the Superintendent of Common Schools in the State of New-York. In the newer States those powers are still more general and effective, as the following Sections from the School Law of the State of Michigan, passed in 1843, will evince. The first section relates to the duty of the Superintendent to make an annual report to the Legislature. The second and third sections are as follows:

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of Inquiries prepared by the Board of Education, and transmitted by the Secretary of State. Ib. § 3.

"4th. The School Committee of said town or city must have made a detailed report of the condition of the several Public Schools, within their jurisdiction, which report must contain such statements and suggestions in relation to said schools as the Committees may deem necessary or proper in order to promote the interests thereof. This report must be read in open town meeting, at one of the annual meetings of the town, or, at the discretion of the Committee, be printed for the use of the inhabitants of the town. The original report must be deposited in the office of the Town Clerk, and a certified copy of it be transmitted by the Committee to the Secretary of the Commonwealth, on or before the last day of April. Ib. § 4."

"SEC. 2. The Superintendent of Public Instruction shall prepare and cause to be printed with the laws relating to primary schools, all necessary *forms* and *regulations* for *conducting all proceedings under said laws*, and transmit the same, *with such instructions relative to the organization and government of the public schools, and the course of studies proper to be pursued therein, as he may deem advisable,* to the several officers entrusted with their management and care.

"SEC. 3. Such laws, forms, and instructions shall be printed by the person having the contract for the State printing, in pamphlet form, with a proper index; and shall also have annexed thereto, *a list of such school books as the Superintendent shall think best adapted to the use of the primary schools and a list of books containing not less than two hundred volumes suitable for Township Libraries, with such rules has he may think proper to recommend for the government of such libraries.*"

It is surprising to observe how far the citizens of the young State of Michigan are, in educational legislation, in advance of many professed advocates of universal education in the older Province of Upper Canada. What is there settled by common consent is here debated; what is there law, and that by universal suffrage, is here resisted, and that by persons who profess to write on the subject of education. Here we find persons "thinking as children, understanding as children, talking as children;" there, in a younger and even democratic country, they "have put away childish things," and think, and speak and act as men on the great question of educating the people.

In conclusion we have to observe, that as no difference of opinion has existed between the successive administrations of Government in regard to the necessity and importance of the office of Superintendent of Schools in regard to both Upper and Lower Canada, so no one can compare the powers with which that office has been invested in Upper Canada with those attached to it in Lower Canada or in any State of the neighbouring Republic, without perceiving that, so far from its powers being exorbitant, the powers of the Superintendent of Schools are more limited in Upper Canada than in any other State or Province in America; while multitudes in the various Districts of Upper Canada, and the correspondence and published documents which have emanated from the Office since the present incumbent assumed its duties, are witnesses that it has been administered with perfect impartiality, without regard to religious sect or political party.

No. 3.

From the "Journal of Education for Upper Canada," Volume I., pages 49–56.

BOARDS OF EDUCATION—THEIR ORIGIN, CONSTITUTION, AND OBJECTS.

As imperfect and erroneous notions appear to exist relative to the appropriate functions of Boards of Education, it will be useful, and we trust acceptable, to give some account of their origin, constitution and objects, in connexion with a system of public elementary instruction. In this connexion, they are of American origin: and from the United States have been incorporated into the Common School system of Upper Canada. We refer not here to such a body as the *University of France*—which stands at the head of the entire system of University, Collegiate and Primary instruction—presided over by a Council of six, each Councillor having charge of one or more divisions of public instruction, and over which Council presides a Grand Master, or Minister of Public Instruction; or as the *Ministry of Public Instruction* in Prussia, which has been separated from that of the State since 1817, and which is divided into several sections, having the oversight and direction of the whole system of Education in the kingdom, from the Primary Schools up to the Universities. In both these countries, each section or division of public instruction has a head, and the whole system is administered by individual heads of departments. Nor do we refer to such a Board as the Commissioners of National Education for Ireland. For though their functions are limited to primary instruction, they alone constitute the machinery of elementary instruction in that country. In both Prussia and France, the provinces, regencies and parishes; the departments, arrondissements and communes, co-operate in the Elementary School System as do our District Councils and School Sections; but in Ireland the local municipal bodies have nothing to do with the School System; the social state of the country unfits it for such Municipal co-operation; and the Board alone educates, determines the rank and scale of salaries to teachers, appoints the School Inspectors, publishes the School books, and controls all the School houses aided by the Parliamentary grants. The system is simple, central, magnificent, powerful; its School publications are unrivalled, as its principles are Christian and catholic; but it is necessarily expensive—the current expenses of Officers, salaried Commissioner, Secretaries, Clerks, &c., being upwards of £6.000 sterling per annum, independent of the expenses (£7,000 sterling per annum) of the Normal and Model Schools, and about £4,000 per annum over and above the receipts, expended in the publication of books; and its mode of administration is foreign to the local institutions, circumstances and habits of the people of this country. The Board was not created to execute a law, but to be a law; it was established and has existed for fifteen years under the authority of a Royal Despatch, not to administer a prescribed system defined by law, but to create a system; and it is the sole, absolute moving power of that system. The powers exercised by local patrons are given, not by statute, but by the Board itself, and can be modified at its pleasure. The Board expends the Parliamentary grants upon terms of its own prescribing; nor is a sixpence given to a Teacher not on its own list, nor an Inspector of Schools employed except by its own appointment, nor is there any local School authority except by its own creation. It can hardly be expected that the local Councils in Upper Canada would be willing to relinquish the powers which they possess in our School system to a central Board appointed by the Crown, like that in Dublin, and designed for a state of society like that of Ireland.

The Boards of Education of which we propose to speak are those which have become a part of the Common School systems from which we have chiefly borrowed, and which have not as yet deducted a farthing from the School Fund of any country. The first of these Boards was created in the State of Massachusetts in 1837—an example which has been followed by the State of Maine, while the States of Rhode Island, New Hampshire, and Vermont, have followed the New-York State model in having a State Commissioner or Superintendent.

The system of Common Schools in these States is peculiar. For more than a century each town or township of six miles square has been required by the law of the State to have a School or Schools of a certain rank so many months in the year, according to the population—and for the support of these Schools every inhabitant was made liable according to his property.

In case of the requirement of the law being neglected, the dissatisfied inhabitants desiring education for their children could complain to the Grand Jury of their county, and the delinquents would surely be indicted and fined. The remedy was so certain and effectual, and the desire for education so general, that in very few instances have the requirements of the law been disregarded; in most instances they have been exceeded. But still, the system was not a *state*, or even *county*, it was only a *town* system. The ordinary courts of law were the only School authorities beyond the town committees. Each town had no higher standard for Schools than that furnished by itself. The Schools had therefore remained stationary for more than half a century, and were falling behind the wants of the age, when, to supply to some extent the desideratum of a central and general system by the diffusion of useful knowledge, a Board of Education was established in the State of Massachusetts in 1837; and as that Board is the model after which others have been established, we will quote entire the Act creating it. It is as follows:—

"SECT. 1. His Excellency the Governor, with the advice and consent of the Council, is hereby authorized to appoint eight persons, who, together with the Governor and Lieutenant Governor, *ex officiis*, shall constitute and be denominated the Board of Education; and the persons so appointed shall hold their offices for the term of eight years: *Provided*, the first person named in said Board shall go out of office at the end of one year, the person next named shall go out of office at the end of two years, and so of the remaining members, one retiring each year, and in the order in which they are named, till the whole Board be changed; and the Governor, with the advice and consent of the Council as aforesaid, shall fill all vacancies in said Board, which may occur from death, resignation, or otherwise.

"SECT. 2. The Board of Education shall prepare and lay before the Legislature, in a printed form, on or before the second Wednesday of January, annually, an abstract of the school returns received by the Secretary of the Commonwealth; and the said Board of Education may appoint their own Secretary, who shall receive a reasonable compensation for his services, not exceeding one thousand dollars per annum, and who shall, under the direction of the Board, collect information of the actual condition and efficiency of the Common Schools, and other means of popular education, and diffuse as widely as possible, throughout every part of the Commonwealth, information of the most approved and successful methods of arranging the studies, and conducting the education of the young, to the end that all children in this Commonwealth, who depend upon Common Schools for instruction, may have the best education which those schools can be made to impart.

"SECT. 3. The Board of Education, annually, shall make a detailed report to the Legislature of all its doings, with such observations as their experience and reflection may suggest, upon the condition and efficiency of our system of popular education, and the most practicable means of improving and extending it.

"SECT. 4. For the salary of the Secretary of the Board of Education, provided for in the second section of this Act, the Governor is authorized to draw his warrants from time to time, as the same may be required."

(*Passed in* 1837.)

In the following year the Legislature passed three Acts relating to the Board of Education—the one compensating its members for their expenses, the second authorizing the Board to prepare blank forms and inquiries to be filled up and answered by School Committees—and directing that the returns to these inquiries should be made to the Secretary of State, and an abstract of these returns be made under the direction of the Board "in the office of the Secretary or the Commonwealth;" and the third Act prescribing the duties and increasing the salary of the Secretary of the Board, and is as follows:—

"SECT. 1. The Secretary of the Board of Education, in addition to the duties required of him by the Act establishing the Board of Education, shall, once in each year, at such times as the Board of Education may appoint, attend in each county of the Commonwealth a meeting of all such teachers of public schools, members of the school committees, of the several towns, and friends of education generally in the county, as may voluntarily assemble at the time and place in the county designated by the Board of Education, of which sufficient notice shall by him be given; and shall then and there diligently apply himself to the object of collecting information of the condition of public schools of such county, of the fulfilment of the duties of their office by all members of the school committees of all the towns, and the circumstances of the several school districts in regard to all the subjects of teachers, pupils, books, apparatus, and methods of education; with the intent of furnishing all requisite materials for the report by law required from the Board of Education.

"SECT. 2. The compensation of the Secretary of the Board of Education shall be one thousand five hundred dollars per annum, to be made in equal quarterly payments.

"SECT. 3. This Act shall take effect from and after its passage."

(*Passed in* 1838.)

Such are the powers of the Massachusetts Board of Education. It will be perceived that the Board has nothing whatever to do with the administration of the Common School law; but that the sole objects of its establishment were to collect and diffuse useful knowledge in the most popular and impressive methods for the improvement of the Schools generally. The annual County School Meetings held by the Secretary of the Board, and his able lectures (of which he has published a volume), together with his elaborate annual reports, have already resulted in a very great improvement in the Schools of that State. He has also edited the *Common School Journal;* but the journal itself is published by a private book establishment in Boston, and for its contents the Board of Education are not responsible. In 1838 a wealthy and philanthropic citizen, T. Dwight, Esquire, placed at the disposal of the Hon. Horace Mann, Secretary of the Board of Education, the sum of $10,000, upon condition that the Commonwealth would contribute the same amount, to be disbursed under the direction of the Board in qualifying Teachers of Common Schools. The Senate and Assembly, by a joint resolution, accepted the proposal, and other similar proposals since; and the result is the establishment of three State Normal Schools—two male, and one female. The Board has also recommended a series of books for school libraries, published by a bookseller in Boston. Thus the Board has charge of the State Normal Schools—recommends library school books—collects and diffuses useful information, and makes practical suggestions as to schools; but, though including the Governor and Lt. Governor among its members, does not as a Board administer the school law of the State.

The system of management which obtains in the other New England States, may be inferred from the following concluding paragraphs of the Report of the

Massachusetts Board of Education, dated Dec. 4, 1846:—

"We cannot conclude this Report without submitting a few remarks rather of rejoicing than of pride at the changes which have followed the educational policy of our own Commonwealth, in other States.

"In the State of Rhode Island, under the auspices of that distinguished educationist, Henry Barnard, Esq., State Common School Commissioner, the whole School System has been re-organized and greatly improved; a wise and efficient School Law enacted, and a public sentiment thoroughly revolutionized. Few States, if any, are now animated by a better spirit, or promise more favourable results, on this subject, than the State of Rhode Island.*

"During the recent session of the Maine Legislature, a Board of Education for that State was established. Its constitution bears a strong resemblance to that of the Massachusetts Board of Education, *and its objects are identically the same.* In order to carry on its work with more system and vigor, the Board is empowered to appoint and employ a Secretary, whose whole time is to be devoted to the improvement of the schools.

"At its last session, the Legislature of the State of New Hampshire, also, appointed a Common School Commissioner; and, in the act establishing the office, it is expressly provided that the Commissioner shall spend at least twenty weeks, each year, in visiting the different counties, delivering addresses, &c. He is to prepare blank forms for the schools, make an annual report, and perform other services incidental to so important an office.

"In the autumn session of 1845, the Legislature of Vermont re-organized its whole system. It adopted the general features of the system under which the State of New York, within the last few years, has made so gratifying and astonishing advances in the career of improvement. The distinguishing feature of this system is, a provision for the appointment of a State Superintendent for the State, of one or more County Superintendents for each county, and of a Town Superintendent for each town.

"Thus five of the New England States are now zealously engaged in the promotion of a cause, from which posterity will receive ampler and more precious blessings, than if they were to inherit from their ancestors the richest mines of silver and gold, imbedded in a soil spontaneously teeming with the choicest productions of the earth."

It will thus be seen that two out of the six New England States administer their school laws as other laws, without any general superintendence—their local and ancient social institutions not admitting of it; but that they have Boards of Education for limited and special purposes; while the other four States have adopted the system of the State of New York in having a General Superintendent or Commissioner.

When it was determined to establish a Normal School for the State of New York, the following provision was made for its management:—

"By chap. 311, Laws of 1844, the sum of $9,600 is appropriated for the first year, and $10,000 annually for five years thereafter, and until otherwise directed by law, for the establishment and support of a 'NORMAL SCHOOL for the instruction and practice of Teachers of Common Schools in the science of education and in the art of teaching.' This institution is required to be located in the county of Albany, and is to be under the supervision, management and direction of the Superintendent of Common Schools, and the Regents of the University, who are authorized and required 'from time to time to make all needful rules and regulations; to fix the number and compensation of teachers and others to be employed therein; to prescribe the preliminary examination, and the terms and conditions on which pupils shall be received and instructed therein—the number of pupils from the respective cities and counties, conforming as nearly as may be to the ratio of population—to fix the location of the said school, and the terms and conditions on which the grounds and buildings therefor shall be rented, if the same shall not be provided by the corporation of Albany; and to provide in all things for the good government and management of the said school.' They are required to appoint a board, consisting of five per-

* The School law of the State of Rhode Island, which the Massachusetts Board of Education term "wise and efficient," confers upon the Commissioner of Public Schools much greater powers than are possessed by the Superintendent of Schools for Upper Canada. The Act which was passed in 1844, provides that the Commissioner shall be appointed by the Governor of the State and defines his duties as follows:—

"§ III. The Commissioner of Public Schools is authorized, and it is made his duty—

"¶ 1. To apportion annually, in the month of May, the money appropriated to Public Schools, after deducting such sums as may be specifically appropriated by the General Assembly, among the several towns of the State, in proportion to the number of children under the age of fifteen years, according to the census taken under the authority of the United States, next preceding the time of making such apportionment.

"2. To sign all orders on the General Treasurer, for the payment of such apportionment in favour of the treasurer, of such towns as shall comply with the terms of this act, on or before the 1st July annually.

"3. To prepare suitable forms and regulations for making all reports, and conducting all necessary proceedings under this act, and to transmit the same, with such instructions as he shall deem necessary and proper for the uniform and thorough administration of the School System, to the Town Clerk of each town for distribution among the officers required to execute them.

"4. To adjust and decide, *without appeal* and without cost to the parties, all controversies and disputes arising under this act, which may be submitted to him for settlement and decision; the facts of which cases shall be stated in writing, verified by oath or affirmation if required, and accompanied by certified copies of all necessary minutes, contracts, orders, and other documents.

"5. To visit as often and as far as practicable, every town in the State, for the purpose of inspecting the Schools, and diffusing as widely as possible by public addresses, and personal communication with school officers, teachers, and parents, a knowledge of existing defects, and desirable improvements in the administration of the system, and the government and instruction of the schools.

"6. To recommend the best text books, and secure, as far as practicable an uniformity, in the schools of at least every town; and to assist, when called upon, in the establishment of, and the selection of books for school libraries.

"7. To establish at least one Model School and Teachers' Institute in each county, and one thoroughly organized Normal School in the State, where Teachers, and such as propose to teach, may become acquainted with the most approved and successful methods of arranging the studies, and conducting the discipline and instruction of public schools.

"8. To appoint such and so many inspectors in each county, as he shall from time to time deem necessary, to examine all persons offering themselves as candidates for teaching public schools and to visit, inspect, and report, concerning the public schools, under such instructions as said Commissioner may prescribe: *Provided*, that as far as practicable such inspectors shall be, or shall have been, experienced teachers, and shall serve without any allowance or compensation from the General Treasury.

"9. To grant certificates of qualification to such teachers as have been approved by one or more county inspectors, and shall give satisfactory evidence of their moral character, attainments, and ability to govern and instruct children.

"10. To enter, or cause to be entered, in proper books to be provided for the purpose in his office, all decisions, letters, orders on the Treasurer, and other acts as Commissioner of Public Schools; and to submit to the General Assembly at the October session, an annual report containing, together with an account of his own doings,—

"*First*,—A statement of the condition of Public Schools, and the means of popular education generally in the state;

"*Second*,—Plans and suggestions for their improvement;

"*Third*,—Such other matters relating to the duties of his office, as he may deem useful and proper to communicate."

sons, including the Superintendent of Common Schools, who are to constitute an executive committee for the care, management and government of the School, under the rules prescribed by the Board of Regents. Such executive committee are to make full and detailed reports, from time to time, to the Superintendent and Regents, and among other things to recommend such rules and regulations as they may deem proper for said schools.

"The Superintendent and Regents are required annually to transmit to the Legislature an account of their proceedings and expenditures, together with a detailed report from the executive committee, relating to the progress, condition and prospects of the school.

"*Executive Committee.*—Hon. Samuel Young, State Superintendent, Rev. Alonzo Potter, D. D., Rev. William H. Campbell, Gideon Hawley, and Francis Dwight, Esquires."—*Mr. Randall's Digest of the Common School System of the State of New York*, p. 335.

The *Regents of the University* are a body which have been in existence more than sixty years—their sixtieth annual report having been printed. They consist of the Governor, Lieutenant Governor, and Secretary of State, *ex officiis*, and twenty other members, appointed for life; and have the visitation of all Colleges and Academies receiving aid from the State, and the appropriation of money for books, apparatus, and the aid of Colleges and Academies upon certain conditions; but have no connexion with the administration of the Common School law beyond the regulations and appointment of the Committee for the management of the State Normal School. It was after this example that the Board of Education for Upper Canada was constituted—giving the Superintendent of Schools in Upper Canada less, and the Board more power, than in the State of New York; the Committee there having nothing to do with school books, they being among the instructions of the Superintendent,—to whom also the annual reports of the Executive Committee are made, the Superintendent countersigning them and expressing his concurrence in them; nor are the Executive Committee or even Regents of the University authorised to do any thing in the administration of the Common School law, or even to give advice to the Superintendent if he should ask it. They were constituted for other purposes; and were no more constituted for the general administration of the school law, than was the Council of King's College at Toronto.

We have thus given the origin, constitution and objects of the State Boards and Committees of Education in the countries from which the Canadian school system has been derived. In every instance do those Boards include the Governor or responsible head of a department of each State in which they are established; in no instance are they connected with the general administration of the school law; in no instance are they invested with as large powers as have been conferred on the Board of Education for Upper Canada; and in every instance are the powers of the State Commissioner or State Superintendent of Schools greater in the United States than those which have been conferred upon the Superintendent of Schools for Upper Canada.

The inquiry may arise in the minds of some readers, why it is that in every free country, both European and American, both monarchical and republican, where a general system of elementary instruction has been established by legislative enactments, its administration has been placed in the hands of an individual head of a department, and in no instance in the hands of a Board or Committee? The answer is obvious, that the administration of a law by a Board is at variance with the practice of free governments in all their ordinary departments, and is the principle of irresponsible oligarchy, while the administration of it by a salaried head of a department is an essential element of the principle of practical responsibility. How can the principle of personal responsibility be applied to the acts of a Board? Is the Council Board of King's College, Toronto, responsible? Not only is personal responsibility divided, but it cannot be known what individual members have or have not been parties to particular acts: nor can any penalties be justly inflicted upon unsalaried persons for what is gratuitously performed. But an individual head of a department can be called upon to account for every thing that he does; and his acts can be arraigned before the Government or Legislature, and he be dismissed for any neglect of duty, or abuse, or improper exercise of power. Acting under a responsibility in which his character and prospects in life are involved, an individual will not only seek the best information from men and books, but act with corresponding caution and energy. The only way to have this principle of effective responsibility applied to a Board, is to have each member of it the recipient of a salary—to require that its acts should be unanimous, and of course the attendance of its members unanimous, and that each member should be responsible for every act. This, however, would be a departure from the ordinary practice of responsible government by heads of departments—would greatly increase expense—would impede if not in many instances, altogether obstruct the performance of administrative duties—would be a fruitful source of discord; while the dismissal of a number of men for an individual act would be attended with inconvenience in various respects.

The reason is, therefore, obvious why our successive administrations of Government since the Union of the Canadas, acting upon the principles of practical responsibility, have provided both in law and practice that the new department of Elementary Instruction should be administered as are other departments; and the nature of the case, as well as the practice of other countries, has suggested the propriety of the provision of the present School Act, in separating the department of elementary instruction from any political office, as had been done in Lower Canada, while the responsibility of it is greatly increased by the many additional and important duties attached to it.

No. 4.

Copy of a Memorial of the Municipal Council of the Gore District to the Legislature, on the subject of the School Act, 9th Victoria, Chapter 20; adopted by the Council 10th November, 1847.

"The Committee appointed to draft a Memorial to the Legislature on the subject of the School Act, respectfully beg leave to present the same:

"*To the Honourable the Legislative Assembly in Provincial Parliament Assembled:*

"The Memorial of the Gore District Municipal Council:

Respectfully Sheweth:

That from the great dissatisfaction manifested throughout the District with the new School Act, and feeling deeply sensible of the importance of a system of Elementary Instruction suited to the wants of

the people, your Memorialists are induced to bring the subject under the notice of Your Honourable Body, with a view to obtain, by legislative enactment, such modification of the said Act, as will simplify its provisions and render it less expensive in its operations, or otherwise the substitution of the Acts repealed by the 4th and 5th Vic., Chap. 18, with such amendments as will in conformity with the Municipality Act, secure these results.

"Your Memorialists believe, that the Act in question is too unwieldy and complicated in its machinery to be worked successfully by the parties empowered to carry out and enforce its provisions, and that the moneys required to pay the Provincial and District Superintendents, as well as those taken from the School Fund for the establishment and support of Normal and Model Schools, are little less than waste of so much of the Legislative Grant, or other funds raised for the support of Common Schools which may be applied to those purposes.

"With reference to the working of the Act, it may be remarked, that the duties imposed upon Trustees are of too onerous a nature, to indulge a hope that they will be efficiently, if at all, performed in the rural School Sections; and indeed when it is seen by the Chief Superintendent's Report, that about ten different forms, with numerous explanations of the same, are found necessary for the guidance of this class of officers, in the least important part of their functions, it is obvious too much time, trouble, and careful application are exacted, when the whole of their duties are taken into consideration.

"Your Memorialists would also beg leave to represent that the sums required to pay a Provincial Superintendent as before stated—a Clerk and the contingencies of his office, amounting, as is supposed, to some eight or nine hundred pounds, as well as those paid to twenty District Superintendents, which will, if all are paid in proportion to that officer in this District, amount to three thousand pounds more, making the whole fall little short of four thousand pounds per annum; would, in the opinion of your Memorialists, be more profitably applied in the payment of Common School Teachers.

"With reference to a Normal School, containing one or more Elementary Model Schools, established by the 5th Clause of the School Act, Memorialists find that the sum of fifteen hundred pounds, are appropriated to procuring and furnishing the necessary building, and a like sum for the payment of Teachers' salaries, and other contingent expenses; besides which it is stated by the Chief Superintendent in the Report already alluded to, that 'the experience of other countries, similarly situated to ours, sufficiently shows how much the current expenses of such an establishment must exceed the sum granted to aid in defraying them,' —thus showing, that the large sum of three thousand pounds are taken from the Common School funds for the current year, and the sum of fifteen hundred pounds, with as much more as the current expenses will exceed the latter amount, will be required annually thereafter, for the maintenence of this department of tuition, without, as your Memorialists most seriously believe, any benefit derived by the community from an outlay of such magnitude.

"With respect to the necessity of establishing a Normal, with Elementary Model Schools in this Province, Memorialists are of opinion, that however well adapted such an Institution might be to the wants of the old and densely populated countries of Europe, where services in almost every vocation will scarcely yield the common necessaries of life, they are, so far as this object expected to be gained is concerned, altogether unsuited to a country like Upper Canada, where a young man of such excellent character as a candidate is required to be, by the National Board of Education in Ireland, to enter a Normal School, (page 56 of said Report,) and having the advantage of good education besides, need only turn to the right hand or to the left, to make his services much more agreeable and profitable to himself than in the drudgery of teaching a Common School, at a salary of twenty-nine pounds per annum, which is the average amount paid School Teachers for the year 1845, as set forth in Appendix No. 2, to the said Report; nor do your Memorialists hope to provide qualified Teachers by any other means in the present circumstances of the country, than securing, as heretofore, the services ot those whose Physical Disabilities from age render this mode of obtaining a livelihood the only one suited to their decaying energies, or by employing such of the newly arrived Emigrants as are qualified for Common School Teachers, year by year, as they come amongst us, and who will adopt this as a means of temporary support, until their character and abilities are known and turned to better account for themselves.

"Your Memorialists having now had the experience of the working of several Common School Acts, are of opinion, that notwithstanding the absence of all Legislative provision, the Acts repealed by the 4th and 5th Vic. chap. 18, operated more efficiently, and gave more general satisfaction than any since substituted, and your Memorialists believe that the same might be restored, with such amendments as will make the District Councils Boards of Education, with full power to tax for School purposes, continuing the Legislative grant, transferring the duties performed by the Superintendents to the District Clerks, and making such other amendments as may be found necessary to carry out these and such other alterations as will be required by the Municipal Act; by this means a saving will be made for the benefit of the Common School Fund of about six thousand pounds per annum, and the object obtained of giving to the people a School Act, simple in its provisions, cheap in its management, and well understood in its operations.

"Your Memorialists would, therefore, pray your Honourable Body would be graciously pleased to take the premises into consideration, and adopt such mode of relief, as to your Honorable Body may seem fit, and your Memorialists, as in duty bound, will ever pray.

"All which is respectfully submitted.

(Signed,) JAMES LITTLE,
Chairman.
JOHN WHITE,
FRANCIS CAMERON.

"Council Chamber,
Hamilton, November 10th, 1847."

No. 5.

Copy of the Proceedings of the Municipal Council of the Colborne District, in regard to the Memorial of the Gore District Council, to the Legislative Assembly, on the subject of Common Schools.

"The Standing Committee on Common Schools to whom was referred the *Memorial of the Municipal Council of the Gore District, to the Legislative Assembly, on the subject of Common Schools,*

Beg leave to Report:

"That your Committee have maturely considered the objects contemplated in the Memorial of the Muni-

cipal Council of the Gore District, and the reasons offered therein for the alterations in the present School Law, desired by the Memorialists, are of opinion, that it is not expedient that your Honourable Council should commit itself to the course recommended by the Memrialists; namely, to co-operate with the other District Councils throughout the Province, in endeavouring to procure the repeal of the existing School Act, and the revival of the Acts repealed by the 4th and 5th Victoria, chap. 18.

"Your Committee beg leave respectfully to add, that they conceive the provisions of the Acts proposed to be revived, so inapplicable to the present circumstances of this Province, the powers conferred by them so inadequate, and the means they provide as agents or instruments for carrying on the great work of Popular Education, so disproportioned to the results expected and needed by the people, that the amendments which must be either now introduced into them, or which a very short practical experience of their working would show to be indispensable, would produce a mass of legislation much more 'unwieldly and complicated' than the law for which it is proposed to substitute them.

"However desirable it may be to have 'simple and cheap' enactments for the conduct and support of Schools, it is much more essential that these enactments should also be efficient; and that they should so provide for the controul and expenditure of the public money, the supervision of the Schools, and above all, the adequate supply of competent and well-trained *Teachers*, so that the rising generation of Upper Canada may be prepared at least to make some near approach to that place in the social scale, which their more intelligent, because better educated, neighbours now threaten to monopolize. That the youth of the rural Districts of this fine Province are much behind the age, and that this inferiority is *solely* owing to the defective system of Public Instruction with which the people have been urged to remain content, are mournful facts which no one can deny, and which read but a sorry comment on the laws the Memorialists propose to revive.

"That 'the moneys required to pay for the establishment and support of Normal and Model Schools are little less than a waste of so much of the Legislative grant,' is an opinion, in which your Committee are so far from concurring, that they believe it is from these sources must mainly arise the instrumentality through which the friends of Education can alone hope for the first considerable amelioration of the evils they lament; and they can only regret that the great benefits they anticipate from these Institutions must necessarily be tardy in their operation. Nor can your Committee reconcile it either with their just expectations, or their sense of duty, to rest satisfied with 'the services of those whose Physical Disabilities from age and decaying energies' render them unfit; or of those 'newly arrived Emigrants' whose 'unknown character and abilities' render them unable to procure a livelihood by any other means than by becoming the preceptors of our children; the dictators of their sentiments and manners; the guardians of their virtue; and, in a high degree, the masters of their future destinies in this world and the next.

"Your Committee are of opinion, from the best information they have been able to collect, that 'the dissatisfaction manifested throughout the Gore District with the new School Act,' is far from being general in other parts of the Province; and that on the contrary, as the existing law becomes better understood; as the difficulties, in most cases imaginary, which at first interfered with the proper discharge of the duties of Trustees, are explained or dispelled; as an enlightened public opinion shall gradually be brought to bear on the parts assigned to Visitors and District Superintendents, impelling them to a more vigorous and effective discharge of the important trusts confided to them; as the Normal and Model Schools begin to yield their legitimate fruits; and as the blighting effects of employing men as School Teachers who are, neither in manners nor in intellectual endowments, much above the lowest menials, shall press less and less heavily upon the mental and moral habitudes of the rising generation, the great benefits to be derived from the present Common School Act, and its immense superiority over all former School laws of Upper Canada, will become more and more confessed and appreciated. Already that public apathy, which is the deadliest enemy to improvement, is slowly yielding to the necessity imposed by the present law upon Trustees and others, of acquiring extended information; of entering with a deeper interest into all matters connected with Common Schools; and of joining with Visitors, Superintendents and Municipal Councillors in a more active and vigilant oversight of them. It should not be considered a too sanguine expectation to look confidently forward to a period not very distant when the admirable machinery of the present law; its active and zealous Chief Superintendent; its Normal and Model Schools; its District and Township School Libraries; its Visitors and Trustees, shall begin to produce in Upper Canada, the mighty intellectual and moral reformation which similar institutions have already effected in other lands: but it is quite too much to expect, that in an existence of little more than one year, with many of its most important agencies yet in embryo, and others totally inoperative, in the face of prejudices, against much ignorant, and some wilful opposition, amongst a population in many places as unprepared to comprehend as to accept its advantages,—that under such circumstances, it could already have produced results at all commensurate with the pecuniary expense of its first introduction. That which, it is believed, will prove a most material and beneficial adjunct to the present School law, in disseminating useful information, and fostering a just appreciation of its more minute and detailed arrangements,—the '*Journal of Education*,'—has made its appearance only during the present month; when it shall have secured the patronage and attentive perusal of every officer concerned in the administration of School affairs, but little, it is hoped, will be heard of the difficulty of carrying out the provisions of the present School law.

"The recollection of the incalculable evil of perpetuating incessant changes in the School laws of the Province, changes which were as loudly clamoured for during the operation of the law recommended to be revived by the Memorialists as of any subsequent enactments, has concurred with the foregoing considerations, in determining your Committee to recommend no fundamental alterations in the existing law. Your Committee, during the examination of this momentous question, have been deeply impressed with the conviction that most, if not all, of the defects complained of, are chargeable, not so much upon the law, as upon the administration of it, and this applies peculiarly to the office of District Superintendent; the vigorous and faithful discharge of the duties of this officer, cannot, in the estimation of your Committee, be too vigorously insisted on. In the course of his visits to the Schools, and his intercourse with Teachers, Trustees, and Visitors, he has it in his power, far above any other individual connected with local School management, to give a tone to public sentiment; to stimulate Teachers and pupils to a more earnest and diligent application in their respective spheres; to exalt the standard of popular Education; to originate and procure the adoption of plans for improving

the internal structure and regulation of Schools ; to allay dissensions ; to inculcate sound morality ;—in short, to enlighten, invigorate, and controul nearly all the subordinate agencies employed in the wide range of the present Common School system ; and he who does less than this, comes short of the just expectations of the framers of the law, and fails to contribute his share to produce the satisfactory and beneficial working of it. When the public voice shall unite with his own awakened sense of duty, to impel this officer to be present at, and take an active part in every public quarterly examination of every School in each District, then, and not till then, may we hope to see the present School law equal to the exigence it was intended to meet.

"In a measure so comprehensive as the present Common School Act, involving such vital interests, it was scarcely possible that no defect should appear to exist, or that no changes should seem desirable, when its practical details were brought to the test of a widely diversified experience ; and some suggestions, chiefly regarding the duties and accountability of District Superintendents, will be offered for the consideration of the Council, in a Report which your Committee will be called on to offer on the printed Circular of the Superintendent of Education, dated Toronto, 14th January, 1848. Your Committee are of opinion, that in the power to appoint and remove at pleasure, and fix the salary of the District Superintendent, District Councils have as much controul over this officer as it is expedient they should possess, with the exception of the financial department of his duties.

" All which is respectfully submitted.

(Signed,) THOS. BENSON,
Chairman.

" Municipal Council Chamber,
Colborne District, 8th February, 1848."

No. 6.

Copy *of a Letter from the Chief Superintendent of Schools for Upper Canada, to the Secretary of the Province, expounding and recommending the original Draft of the Common School Act, 9th Vict., ch.* 20.

Education Office, (West,)
Cobourg, March 3rd, 1846.

Sir,

In obedience to the commands of His Excellency, the Administrator of the Government, conveyed by your letter of the 11th ultimo, I have the honour to submit, for His Excellency's consideration, the following remarks and suggestions on the Common School Act, 7th Vic., Cap. xxix, (passed in 1843,) together with the annexed Draft of a proposed School Bill.

Many of the observations which I make in this paper will appear to disadvantage in the absence of a *Report on a System of Public Elementary Instruction for Upper Canada,** which I hope to be able to submit to His Excellency before the meeting of the Legislature, or very shortly afterwards.

My present remarks and suggestions will be confined to the School Act itself, and shall be made in as few words as possible.

From a careful examination of the present Act, (of 1843,) it is obvious that it was constructed with a benevolent intention ; that its object was to secure to the whole people the benefits of a Common School education—providing for the establishment of both elementary and superior Common Schools—protecting the religious feelings of each class of the community—rendering the Schools accessible to the poor, by providing for their relief from the payment of School rates —and evidently contemplating the true theory of public instruction under a constitutional government, the co-operation of the government, and the people, in its administration.

But with these general objects, and with many excellent provisions for accomplishing them, the Act is intricate and lame in many of its details, and altogether defective in some essential provisions ; and it contains some provisions which are incompatible with other provisions of the Act itself ; and others again which are not in harmony with the principles of our general system of government.

By comparing the Act with the Common School Law of the neighbouring State of New-York, it will be seen that the principal provisions of our Act, in regard to every class of Officers mentioned in it, and in respect to the whole system of proceeding, is borrowed from the New-York Statute, with the alterations and changes of terms only, which our Municipal Institutions and phraseology rendered absolutely necessary.

And in this adoption of the New-York School Law, two things seem to have been overlooked. 1st. The difference between the workings of a democratic Republic and those of a Responsible system of Government under a Constitutional Monarchy. 2nd. There is no provision for the exercise of the same executive authority over the system of public instruction with that which has been provided for in the State of New-York. The functions of the Regents of the University, and the most material powers of the Superintendent of Schools, —constituting the regulator, if not the main-spring of the New-York system—are wanting in the Canadian Act.

Without adverting to the duties of that important body, called the Regents of the University, I will remark, that in respect to the State Superintendent, (or, as we term the same Officer, *Chief* Superintendent,) it is provided, " That, if any person who considers himself aggrieved by any decision made by any School district Meeting, or any decision in regard to the altering, forming or refusing to form or alter any School district, or in regard to paying any Teacher, or refusing to pay him, or in refusing to admit any scholar gratuitously into any School, on account of alleged inability to pay ; or, in fine, *concerning any matter arising under the general School Law*, may appeal to the Superintendent of Common Schools, and his decision upon the case is final and conclusive." Not a shadow of any part of this power is vested in the hands of the Superintendent of Education in Upper Canada, nor even in the Governor in Council. Nay, the Governor in Council does not possess so much authority in the administration of the Law as any County or Township Superintendent, or even the Trustees of any single School District. The Government has no authority whatever to interfere with the doings of any County, Township, or School district, in Upper Canada.

There can be no Provincial system of Education—except that of apportioning money—where there is a completely independent power in each of the Schools, in regard to both the books and regulations of the School—a subject on which the Government itself is not authorized to say a single word !

It is true that the spirit of the people is very far from being conformable to the provisions of the Act. All

* This Report was transmitted the 27th of the same month, and two editions of it have been printed by order of the House of Assembly.

parties have been in the habit of appealing to the Superintendent on doubtful and disputed questions, and he has been in the constant habit of deciding upon them: but there is no law for either the one or the other; the whole course of proceeding has been voluntary, and dictated by necessity and the fitness of things.

The Act authorizes the Chief Superintendent to draw up Rules and Regulations for Schools; but no one is required to observe them. The 65th Section provides that the qualification of Teachers of Model Schools shall be attested by the principal Teachers of a Normal School, after it shall have been established; but the Act makes no provision for the establishment of such a School. Similar defects and anomalies pervade the details of the Act.

Before proceeding to offer any suggestions for amending the Act, I beg to lay down two or three principles which I consider fundamental.

If it be intended that the *system* of public instruction be Provincial. or National, it must be *one* throughout the Province. There cannot be a distinct system, or no system, as it may happen, in every County, Township, or School district.

In order that a system of instruction may be Provincial, the machinery of it must be so—the various parts of it must be made to move in harmony, the one with the other, and the whole must be subject to one common direction. This cannot be the case where the different parts are wholly independent of each other—where the County and Township Superintendents, and each Corporation of Trustees, are as independent of the Crown in Canada as they are of that in China.

Furthermore, one chief design of a Monarchical system of Responsible Government is to stamp the sentiment and spirit of the public mind upon the administration, as well as legislation of the country, and to secure the collective acts of the country against the antagonistic or selfish acts of individuals or isolated sections. It makes the Executive Government not only the representative of the whole community in its actual composition, but also in the execution of every part of the law for the benefit of the community. As there is one responsibility, so there is one authority, one mode of appointing to, and removing from, the head of every department of authority—whether supreme or subordinate—in all localities, and gradations of office. This principle of Responsible Government is contravened by the Common School Act, in the whole system of local superintendency. The Act therefore makes no provision for a Provincial system of Schools, but contains provisions which are the reverse of it, in every respect, and which are not in harmony with the principles of Responsible Government as applied to every other department of the Administration.

I assume, also, that Christianity—the Christianity of the Bible, regardless of the pecularities of sects or parties, is to be the basis of public instruction, as it is of our civil Constitution. I beg, also, to remark, that the Common School Act of Lower Canada—passed during the last session of the Legislature—supplies several of the defects of the Upper Canada Act; and I think it much more desirable to assimilate, as far as possible, the Common School systems of the two sections of the Province, than to assimilate that of Upper Canada to the New-York State system.

The first seven sections of the Act (of 1843) relate to the appointment and duties of the Chief and Assistant Superintendents of Common Schools. At the time of my appointment to the situation I have the honour to hold, I was informed that it was the intention of the Government to separate the office of Chief Superintendent of Education from that of Secretary of the Province, and to place the Superintendent of Schools in Upper Canada upon the same footing as to means of support with persons in similar situations in other departments. This has been done in respect to Lower Canada; and the reasons for the change there apply with equal, if not with greater, force to Upper Canada —the latter being at a distance from the Seat of Government.

I would also add to the prescribed duties of the Superintendent of Schools. In place of the first seven sections, and the sixty-seventh section of the present Act, I would propose the first and second sections of the accompanying Draft of a Bill.* The duties which I propose to impose upon the Superintendent will more than double the work which the present Act prescribes to him.

I propose the appointment of a Board of Education, and the establishment of a Normal School, (see annexed Draft of Bill, Sec. 3–5.†) The Board ought to consist of the most competent men in the country, and be a fair representation of the religious feelings of the country, without reference to political party.

The Superintendent of Schools, as an Officer of Government, and accountable to it for all his acts, ought not, I think, to be, in his administrative acts, under the controul of any intervening body; and in availing himself of the counsels of such body, which he may often have recourse to, he should do so, as well as act, upon his own responsibility. It will be observed, that the power which each District Superintendent has over each District Model School is not given to the General Superintendent in respect to the Provincial Normal School, but to the Board of Education, under the sanction of the Governor, and that the Superintendent has only a general oversight of the Normal School.

The proposed arrangement in respect to School Books—a matter of extreme delicacy and difficulty—will, I hope, be an essential improvement on a vitally important feature of the system of public education. Nothing can be worse than the present state of things in respect to School Books. Every communication received at this Office referring to the subject, speaks of the absolute necessity of something being done; but no one suggests what should be done, except that there should be an uniformity in the text-books used in the Schools. In the State of New-York, by a law passed in 1843, the State Superintendent of Schools, and even every County Superintendent, has authority to reject any book from the School libraries. Objections would be made in this Province to giving such power to the Superintendents of Schools. In the State of New-York the Regents of the University make out a list of books for School libraries, and no books can be introduced into them except such as are contained in the Regent's list, or except the permission of the Regents of the University be first obtained. I do not propose to give quite so much power as this to the Board of Education. In practice I intend that the Board should make out a list of School Books in each branch of learning that they would *recommend*, and another list that they would *permit*,—leaving the Trustees of Schools to select from these lists.

The proposed duties of Municipal Councils are stated in the annexed Draft of Bill, Sections 6–10.‡ With one or two exceptions, they are the same as those prescribed by the present Act.

* 9th Vic., Cap. xx, Sec. 1, 2.
† 9th Vic., Cap. xx, Sec. 3-5.
‡ 9th Vic., Cap. xx, Sec. 6-11.

I propose the abolition of the office of Township Superintendents—the least popular class of officers created by the present Act, and against whose continuance objection is expressed in nine out of ten of the communications received at this office on the subject—especially those from private individuals and District Superintendents. This proposed change affects the greater part of the machinery of the present School Act. The duties now performed by Township Superintendents, I propose to be discharge respectively by the Municipal Councils, the District Superintendents and the Trustees; the first making, instead of approving of the School divisions; the second giving notices of apportionments, and paying Teachers; the third giving notices of local School meetings.

I have learned that much inconvenience has been experienced in respect to School meetings, for want of the proper notices which it is scarcely possible, in all cases, for a Township Superintendent to give.I think the proposed arrangements in respect to such meetings will add much to the convenience of the people. The principal, and, indeed, only inconvenience, in the proposed plan, is the payment of Teachers. Under the old School law, the Teachers were paid by the District Treasurers. I have never heard of any particular inconvenience attending it. I would propose the same now, if the District Treasurers would not deduct a per centage on the School moneys passing through their hands.

The payment of the District School Tax to the District Superintendent will be quite as convenient for each Township Collector as the present system, as such Collector must go to the District Treasurer to pay the other taxes, and the District Superintendent's residence is generally adjacent to that of the Treasurer. Then the District Superintendent is required to visit each School throughout his District once a year—which will afford facilities for financial, as well as other arrangements.

The mode of appointing District Superintendents, and their duties, are prescribed in the annexed Draft, Sec. 11, 12.* It will be seen that such a change in the mode of their appointment is proposed as accords with the principle of Responsible Government, and is essential to the harmonious and efficient working of the School system. It would doubtless be more simple and consonant to our system of Government, if the District Superintendents were appointed in the same manner as all other administrators of the law; but, as a completely opposite system has obtained, so great a change might create dissatisfaction. It is also proposed that, as soon as practicable, the offices of Clerk of the District and of District Superintendent shall be filled by the same person.† The convenience of this arrangement in performing many of the duties of Superintendent, and the financial gain of it to the several Districts, will be apparent to every observer. The duties of both officers can be easily performed by the same person; the allowance will naturally be such as to secure the services of persons of high intelligence, both as Clerks of Councils and District Superintendents of Schools.

In the proposed arrangement the duties of Superintendents will be very considerably increased, which will doubtless be considered by District Councils in fixing the amount of their remuneration.

The discontinuance of the office of Township Superintendent will be attended with considerable advantage to the School Fund. Township Superintendents (as far as I can judge by Reports from several Districts) receive, each, from five to twenty-five pounds per annum. To place the average amount paid to each Township Superintendent as low as ten pounds (for 310 Townships) it would amount in all to more than £3,000 per annum.

The smallness of the remuneration to Township Superintendents prevents competent persons, in many instances, from undertaking the task. On the other hand, many of the Township Superintendents are well qualified and efficient men; but such men are almost invariably Clergymen of some denomination. I do not propose to dispense with their valuable co-operation; on the contrary, I propose to relieve them from the vexatious and thankless part of their duties, and add to their numbers by providing (see Sections 13 and 14 of the annexed Draft,*) that all Clergymen, and Magistrates also, shall be School Visitors, under such precautions, regulations and instructions, as may be prepared by the Superintendent of Schools, under the immediate sanction of the Governor in Council.

It is not proposed, as will be seen, to give such Visitors any controul in the management of Schools; but from their co-operation and influence I anticipate the greatest advantages in the improvement of our Schools, and in the diffusion of useful knowledge.

The election of Trustees and their duties, as proposed, are stated in Sections 16–27.† The most important change proposed is, their continuing in office three years instead of one. The disputes respecting the appointment and payment of Teachers, arising from annual changes in the present system, are numerous and painful beyond conception. The evils of annually electing all the Trustees of each School has been deeply felt in the neighbouring State of New-York, and are vividly pourtrayed in some of the Reports of Superintendents. In 1843, a law was passed extending their period of office to three years. This is the period prescribed in the Lower Canada Act, passed last session. On the importance and advantage of this change I need not enlarge. Two other important changes are proposed in common with the duties of Trustees: The one is, that they shall not receive aid from the School Fund until the amount of the Rate-bill which they have imposed is collected, or shall not receive a larger amount from the School Fund than they provide and pay by Rate-bills or voluntary subscription, [the system in the State of New York.] This arrangement will secure the School Fund from the abuses which are constantly being practised upon it: it will also secure the Teacher a minimum amount of support. Under the proposed arrangement, if the Legislative grant to a School be ten pounds, the District Council must provide ten pounds more. These two sums constitute the School Fund. The Trustees must raise a sum equal to that of the School Fund—namely, twenty pounds, in the case supposed; the whole amounting to forty pounds. [In the State of Massachusetts the inhabitants of each School divsion are required to raise, by local rate on property, at the rate of one dollar and twenty-five cents per annum for each child between the ages of 4 and 16 years, in order to be entitled to any aid from the

* 9th Vic., Cap. xx, Sec. 6, 12 and 13.

† *Note.*—It was proposed to appoint District Superintendents in the same way that Clerks of District Councils were at that time (1846) appointed—nominated by the District Councils, and appointed by the Crown. The clause for that purpose was advocated by the then Attorney-General (now Mr. Justice) Draper in the House of Assembly, but was lost by a small majority; and the old mode of appointing District Superintendents was retained. It was also proposed that as soon as any Clerkship of a District Council should become vacant, the two offices of Clerk of the Council and District Superintendent should be filled by the same person. This clause was not sanctioned by the Government; but such has been the case up to the present time in the Victoria District. It may be so in other Districts at the pleasure of the District Councils.

* 9th Vic., Cap. xx, Sec. 14–16.

† 9th Vic., Cap. xx, Sec. 18–27.

State School Fund.] In looking over the Reports from several Districts I find that, in the majority of cases, the amounts heretofore raised by Rate-bill have excceded the ratio I propose.* But, in other cases, the amount raised by Rate-bill has not exceeded a few shillings—the School has been kept open only three months of the year, and that at a very low salary—just long enough to get the public money. My attention has been repeatedly called to this evil by local Superintendents. I propose to remedy it by requiring that a School Section, in order to be entitled to a continuation of aid from the School Fund, shall have a School open during at least six months of the year; and shall, *bonâ fide*, pay an amount equal to that which they draw from the School Fund. This arrangement will also tend to secure the punctual payment of Teachers, and keep the accounts of each year separate and distinct.

The next important change which I propose is, that the Rate Bill, imposed by the Trustees of each School Section, shall be levied upon the inhabitants of each Section, generally, according to property. It is the inhabitants generally who elect the Trustees; it is for the inhabitants generally that the grant is made; and the same principle, I think, ought to be acted upon throughout the system—all having a right to avail themselves of the School.

I need not say how just and patriotic is this principle, how important it is for the poor, and especially those (as is often the case) who have large families; how much it would lighten the burthen of supporting the Schools; how greatly it would increase the attendance of pupils, and, consequently, the blessings of education, and how strictly then would our Schools be public Schools. I may observe, that this system obtains in the States of New-England, where there are the best Common Schools in the United States. It is also the Prussian and Swiss system.

On the other hand, the evils of the present system of School Rate Bill have been brought under my notice from the most populous Townships, and by the most experienced educationists in Canada. When it is apprehended that the Rate Bill will be high, many will not send their children to the School at all; then there is no School, or else a few give enough to pay the Teacher three months, including the Government part; or even after the School is commenced, if it be found that the School is not so large as had been anticipated, and that those who send will consequently be required to pay more than they had expected, parents will begin to take their children from School, in order to escape the Rate Bill, as persons would flee from a falling house. The consequence is, that the School is either broken up, or the whole burthen of paying the Teacher falls upon the Trustees, and often a quarrel ensues between them and the Teacher. I have been assured, by the most experienced and judicious men, that it is impossible to have good Schools under the present system of Rate Bill. I think the substitute I propose will remedy the evil. I know of none who will object to it but the rich, and the childless, and the selfish. Education is a public good; ignorance is a public evil. What affects the public ought to be binding upon each individual composing it. In every good Government, and in every good system, the interests of the whole society are obligatory upon each member of it.*

To secure the punctual transmission of School Reports, I propose that the payment of the last instalment of the School Fund to each Section shall be conditional on the presentation of the Annual Report from such Section; and to relieve the Trustees from preparing the Report, (a duty to which many of them have strong feelings of repugnance, and for which, in many instances, they are not very well qualified,) I propose that the Teacher shall act as their Secretary, in preparing it, if required; a duty to which he will be prompted in order to get his money.

I also propose a Section (28†) stating the general duties of Teachers. These duties are applicable to all Common School Teachers. I think it is important, on various grounds, that such duties should be made law. The first division under this Section is transcribed from the School law of Massachusetts, except that I have *modified* and *limited* it.

As the term '*District*' is retained in our laws and applied to the larger municipal divisions of the Province, I have thought it inconvenient to apply the same term to the minor School divisions of Townships. I have proposed to apply to these latter divisions the term "*Section*," which is as convenient and as appropriate as any other which has occurred to me.

On the miscellaneous provisions (see sec. 29–43,‡) proposed it is, perhaps, not necessary for me to remark. Each will speak for itself. I have retained all the Sections of the present Act which appear to me to be necessary.

There are several minor modifications to which I have not referred; the expediency of which will be sufficiently apparent without remark; and I am aware how impossible it is, within any tolerable limits, to explain by writing the nature and importance and operations of many of the modifications and amendments to which I have alluded, and which I think it expedient to submit.

Considerable changes in any system are always attended with inconvenience, if not with difficulty. The transition from the generally complained of working of the present Act, to the adoption of the modifications recommended, in the annexed Draft of Bill, can

* *Note.*—The clause of the Bill here recommended was approved of by the Government, but was opposed and lost in the House of Assembly. Had it become law, in common with the clause recommended in the following paragraph, (authorizing Trustees to impose Rate-bills upon all the inhabitants of their School Section according to property,) how different, already, would have been the state of many of our Schools from what they now are,—how different would bave been the circumstances of School Teachers—and how plain and comparatively easy would have been the duty of Trustees. The amount of apportionment to the inhabitants of each Section would have determined the minimum of the amount to be raised by them hy Rate-bill or voluntary subscription. That amount, payable by all the inhahitants according to property, would have been little for each—would always have provided a salary sufficient to enable them to have a good Teacher during more than half, and in the most cases, all the year; all the children would have had equal access to the School; and the causes of most of the disputes between neighbours, and between Parents, Teachers and Trustees, would have been prevented. The harmony of the Bill was destroyed; it was mutilated and maimed in some of its most practical and essential details by the successful opposition to them while under the consideration of the Assembly, and the Superintendent of Schools has been assailed for the very defects in the law thus created, and which he has employed all the means in his power to prevent—defects which have, indeed, been partially remedied by subsequent enactments, but which cannot be wholly removed without further legislation.

* *Note.*—The important clause of the Bill thus recommended, was strongly advocated hy Mr. Attorney-General Draper, but was opposed and lost in the Assemhly hy a majority of four or five. It was the poor man's clause, and the clause of the enlightened patriot; and the loss of it has inflicted great injury upon many Common Schools, besides involving Trustees in great perplexities and embarrassments in consequence of their not being able to impose a general Rate Bill for School-house, repairs, furniture, &c. But we rejoice that the principle thus first submitted to the consideration of the Government in 1846, has been incorporated into our system of Schools for Cities and Incorporated Towns in Upper Canada, and that District Councils bave also been invested with power to act upon it, as far as they may think it advisable. See the whole subject explained in the first number of this Journal.—*pp.* 11, 15.

† 9th Vic. cap. xx., sec. xxviii.

‡ 9th Vic. cap. xx., sec. xxix–xliii.

be but very partially effected the present year. The year has commenced; the appointments have been made; all is in the hands of the several local officers. They must be continued to the end of the year. But I think the first *ten* Sections of the annexed Draft of Bill might go into immediate operation without at all interfering with the local machinery of the present Act, and would fully prepare the way for completing the transition by the first of next January, without producing any disorder or inconvenience. I have accordingly prepared a Section to that effect.

In the meantime, in case of the approval by His Excellency of the annexed Draft of Bill, and its becoming a law, it would be proper to have all the regulations and instructions, and forms, for which it provides, together with copies of the Bill itself, prepared, printed, and put into the hands of all persons who may be administrators of it. I think it would also be advisable to prepare and get printed blank forms for Reports, both for Districts Superintendents and Trustees—so that all parties may commence properly, and that there may be an uniformity forthwith in the administration of the law throughout the country. Such precautions and aids, for a year or two, will render the working of the whole system harmonious, uniform, and efficient.

The annexed Draft of Bill may have some cases unprovided for; but it provides for all the cases that have yet come under the notice of this Office, and all that I can conceive after examining the various School Laws af different states and kingdoms.

I beg to remark, generally, that I have retained as much of the machinery and phraseology of the present Act as I could; have sought to make the arrangements more methodical and more simple; and have reduced the number of Sections from 71 to 44.

I would also observe, that the annexed Draft of Bill does not give the Government, through the Superintendent of Schools, any thing like as much power as the new School Law for Lower Canada gives the Superintendent of Schools there. I have desired to retain no more power in the hands of the Superintendent than is absolutely necessary to enable the Government to controul the general principles and character of the system of public instruction, and to see that money appropriated by the Legislature is faithfully and judiciously expended. I hold it as a true principle, and as expedient, that the Legislature, in appropriating money, should provide, through one or more general officers, that its liberal and benevolent intentions be accomplished in the expenditure of that money. Then, as the people contribute locally, they have the local right of employing and dismissing Teachers at their pleasure.

It is not easy to adjust precisely the different parts of a mixed machinery. I have sought to simplify it as much as possible, and have proposed to give the Government no more power than is indispensable to make the system Provincial, and fulfil the intentions of the Legislature.

I would that the habits and circumstances of Canadian society might allow of simplifying the system still more.

Numerous and intricate legal provisions in matters of detail, in relation especially to Education, are perplexing to the people and embarrassing to the Government.

In respect to the means for the establishment and support of a Normal School, I may remark, that the Legislature of the State of New-York has granted $9,000 to rent and furnish buildings for a State Normal School at Albany, and $10,000 per annum for its support

I think there should be placed at the disposal of the Provincial Board of Education, at least £1,500, to establish a Normal School, and the same amount, per annum, for its support. I hope it may be established and maintained for a somewhat less sum; but, it appears to me especially desirable that the Board should not be meanly tied down to a possibly insufficient sum. Such a proceeding might occasion a complete failure, with all its melancholy consequences. The circumstances, and management and authority of Government, in the expenditure of the grant, would be a guarantee that not a sixpence more should be expended than would be absolutely necessary.

I trust some means will be available from the sale of school lands by which encouragement may he given to the formation of *School Libraries* in the several Districts and Townships. A small sum disposed of annually in that way would prompt to the contribution of much on the part of the inhabitants of different Districts, and would lead to the circulation and reading of a vast number of useful books. But I am not sufficiently informed on this point to suggest any clause to be introduced into the Act respecting it. I am inclined to think it may be done by the Government without any Act on the subject, and in conformity with the provisions of the proposed Bill.

In conclusion, I have to repeat, that, although this communication is protracted to a great length, several topics remain unnoticed, and to others, I am afraid I have alluded too briefly to be either explicit or satisfactory. Should any farther explanations be deemed necessary, I shall be happy to give them in any way that they may be required.

But I must beg permission to add what escaped me to notice in the proper place—that I have received information that there are several Townships in Upper Canada settled by Germans, in which all the Schools are German, and all the Teachers aliens.

Believing that it was not the intention of the Legislature, and that it is not expedient, to prohibit European aliens from being employed as Common School Teachers, I have excepted them in the annexed Draft of a Bill. It is perhaps not *necessary* to except any other than foreign Germans, but I have thought there might be cases of French and Italians proposing to teach schools in Upper Canada. The study of the French language especially should, I think, be encouraged to as great an extent as possible.

I have the honour to be, Sir,

Your most obedient, humble servant,

(Signed,) EGERTON RYERSON.

The Hon. D. Daly, M. P. P.,
Secretary of the Province, Montreal.

No. 7.

Copy of the Letter to the Secretary of the Province, expounding and recommending the original Draft of the Common School Amendment Act (now, slightly changed) 10th and 11th Vict. Cap. 19.

EDUCATION OFFICE,
Toronto, 27th March, 1847.

SIR,—I have the honour to submit to the favourable consideration of His Excellency the Governor-General in Council, a Legislative measure for the better establishment and maintenance of Common Schools in Cities and Incorporated Towns in Upper Canada, and for remedying some defects which are found to exist in the Common School Act for Upper Canada, 9th Vic., cap. xx. in consequence of changes to which it was unfortunately subjected while under the consideration of the Legislature.

With a view to accomplish these objects I have prepared the annexed Draft of a Bill, which, in connection with such explanatory observations as appear to me to be necessary, I beg most respectfully to lay before His Excellency in Council.

In my communication of the 3rd March, 1846, accompanying the Draft of a School Bill for Upper Canada, I observed that our Common School Law had been chiefly borrowed from the State of New-York. I beg now to add, that it is a modification of the School Law of that State in respect to *Counties*—analogous to our Districts—but not of the New York State School Law in respect to *Cities* and large *Towns;* for the School interest of which local and special Acts have been passed by the State Legislature. But, as our own Town and City Schools had been conducted under the General School Act, I thought it not advisable last year to submit two Educational measures for Executive deliberation and Legislative discussion at the same time;—that it was preferable to amend, as far as practicable, the School Law for Western Canada at large, and afterwards to introduce a distinct measure for the improvement of Schools in Cities and Incorporated Towns.

It is not necessary for me to reiterate in this place the general principles which I laid down in my communication of the 3rd March last, as essential to a proper system of public instruction. Taking those principles for granted, I will confine myself to a simple statement of the necessity of a measure such as I have the honour to submit, and to an explanation of its principal provisions.

1. The same reasons which justify the Incorporation of Cities and Towns for the more efficient management of their local affairs, and the promotion of their local interests generally, require a like incorporation of their public School system for the best interests of the rising generation. The practical knowledge and vigilance of a local corporation are, if possible, even more needful for the interests of Common Schools, than for the other interests of Towns and Cities. I think, therefore, that the School affairs of Cities and Towns ought not to be left in the hands of District Municipal Councils, but ought to be placed in the hands of the Corporation of each City, and the Board of Police of each Incorporated Town.

2. The peculiar circumstances and wants of Cities and Towns appear to me to demand this modification of our School System. In rural Districts the population is sparse; in Cities and Towns it is dense. A single School Section in a rural district embraces as many square miles as an entire Town or City. The boundaries of a rural School Section are usually the estimated distance which children can travel daily to and from the School. It also requires, as a general rule, the united influence and resources of the inhabitants residing within the boundaries of a rural School Section to support the School There can thus be but one School within such boundaries. In rural districts, therefore, as there can be but one School in each Section, there can be no gradation of Schools—there can be only mixed Schools, and those of one kind—such as each rural Section, separately and independently, can establish and support. But the case is widely different with Cities and Towns. Upon a plot of ground not greater than that of a rural School Section, there is a population requiring and capable of supporting a dozen Common Schools, aside from Schools of a higher order. According to the present system, the city or town would be geographically divided into a given number of School Sections, the inhabitants of each of which would elect three Trustees, and have a Common School unconnected with any other, and supported wholly by local interest. As in rural districts, there is but one kind of Schools—and that such as is adapted to the youngest class of pupils—so, under the present system, there can be no gradation of Schools in a city or town any more than in the country. Thus the educational wants of Towns and Cities are but partially supplied. Schools of an inferior description are more numerous than is necessary, and Schools of a higher order are altogether wanting—except as they may, in some instances, be established and supported by private enterprize. But private Schools are too expensive for a large class of the inhabitants of cities and towns; nor should the children of this large class of our fellow-citizens be deprived of a good English education on account of the poverty of their parents, or be abandoned to the hazard of private enterprize.

Now, the proximity of the inhabitants to each other, in cities and towns, supersedes the necessity of the geographical division of a city or town into small sections—unless to a limited extent in regard to Schools for very young children. To provide for the educational wants of cities and towns, there should be *gradation*, and therefore a *system* of Schools: Primary Schools for children from 5 to 8 years of age;—a proportionable number of intermediate Schools for children, say from 8 to 11 years of age; and one or more English High Schools, teaching the higher branches of a thorough mercantile education. Children at the proper age, and when sufficiently advanced, should be removed and promoted from the primary to the intermediate Schools, where they could receive a useful Common School education; and then those whose parents could afford to give them a more thorough education, should be transferred to the High Schools. Of course the School Houses should be erected, *or different apartments in the same house provided*, and Teachers employed, appropriate to the objects and character of each of these Schools. The number of Schools thus classified which might be necessary to supply the educational wants of our Cities and Towns, would be less than that now established in them, and would be supported at not greater expense.

But such a system of Schools in a City or Town involves one system of management, and, therefore, one authority. Hence, in any City or Town where such a system of Schools exists, there is but one Board of Trustees or Commissioners for the management of Common Schools. This is the case not only in the best educated Cities of Germany, but also in the chief Cities of the neighbouring States—such as Boston, New-York, Albany, Rochester, Buffalo, &c. In each of these Cities there is but one Board of Trustees, or Commissioners of Common Schools; and in most of

them the members of such Boards are appointed by the Corporations—one-third of the members thus appointed or chosen retiring from office annually, and their places filled by the Corporations concerned.

Such is the principle of the measure which I have the honour to submit, in respect to the Cities and Incorporated Towns in Upper Canada; and such is the design of the Bill—a Draft of which is herewith transmitted, and on the leading provisions of which I beg now to offer some explanatory remarks.

The *First* Section provides for the erection of each City and Incorporated Town in Upper Canada into a Municipal District for Common School purposes.

The *Second* Section provides for the appointment and succession of the members of a Board of Trustees for each City and Incorporated Town aforesaid.

The *Third* Section provides for the payment of School moneys into the hands of the Chamberlain or Treasurer of each City or Town, subject to the orders of the Board of Trustees.

The *Fourth* Section provides for the vesting of the Common School property of each City and Town in the hands of the Corporation of such City, and the Board of Police of such Incorporated Town to be managed by the Board of Trustees appointed as aforesaid.

The *Fifth* Section prescribes the several duties and obligations of such Board of Trustees, in harmony with the Common School Act, 9th Vict., cap. xx.

The *Sixth* Section makes a similar provision in respect to the Teachers employed by such Board.

The *Seventh* Section provides for the Visitors of Common Schools in each City and Town—not including Magistrates, who are too numerous in Cities and Towns to be authorized to act as School Visitors; and the Aldermen in Cities and the Members of the Board of Police in Towns, with the resident Clergy, will form an ample *corps* of School Visitors.

The *Eighth* Section invests the Municipal Authorities of Cities, Towns, and Districts with discretionary power to raise money, by assessment, for Common School purposes generally, including the purchasing of School sites, the erection of School Houses, the Salaries of Teachers, &c.

Such are the principal provisions of the proposed Bill in respect to Cities and Incorporated Towns in Upper Canada.

The few remaining Sections of the Bill are designed to remedy some defects which exist in the Common School Act of the last Session of the Legislature. These Sections are so few,—and some of them apply also to Cities and Towns—that I have thought it better to include them in the proposed Bill than to recommend the introduction of a separate Bill for amendment of the Common School Act. The Common School Act and the proposed Bill are so connected that should the latter become a law they ought to be printed together.

I now beg to explain the Sections which I have the honour to propose, with a view of remedying the defects of the Common School Act.

It was one of the defects of the Common School Act of 1843, that it did not invest Municipal Councils with authority to impose assessments to a sufficient amount for the purchasing of School sites and the building of School Houses. In the 8th Section of the original Draft of the School Act of last year, I proposed to invest the Council of each District with discretionary power for these purposes; but during the passing of the Bill through the Legislature—at which stage I know not, for I did not perceive the alteration for several months—a limiting phrase (namely, "within the limits of their powers of imposing taxes") found its way into the 8th Section of the Bill, in consequence of which Municipal Councils are subject to the same disabilities under which they have heretofore laboured. In the 8th Section of the accompanying Draft of Bill, Municipal Councils of Districts are included with City and Town Corporations, and are proposed to be invested with requisite powers of imposing assessments for Common School purposes.

The *Ninth* and *Tenth* Sections embody an important principle which lies at the very foundation of a sound system of public instruction, and which is essential to the *universal* education of any country—it is the principle of School *Rate-bill*, as well as School *Assessment*, according to *property*, both in town and country. In my communication of the 3rd of March last, I dwelt at some length on the importance of this principle, and referred to the testimonies of experienced educationists in different parts of Upper Canada as to the impossibility of ever having good Schools, much less rendering them accessible to all the youth of the land, under the past and present system of School Rate-bill—a system which has never been admitted in the State of Massachusetts, where Common School education is nearly, if not quite, universal among the poorest classes of the community. The principle embodied in the ninth and tenth Sections of the accompanying Draft of Bill was embodied in the original Draft of the Common School Act—was sanctioned by the late Governor-General in Council, and was advocated in the House of Assembly by the Honourable Attorney-General Draper; but the proposition being new, and being apparently misunderstood by some, and coming in contact with wealthy selfishness, was lost by a small majority. But since the last Session of the Legislature, several District Councils have expressed themselves in favour of this principle, and the subject has repeatedly been brought before me by Trustees. The principle of School-rate according to property is recognized and acted upon in respect to Assessments imposed by each District Council for the raising of a moiety of the School Fund, and for the erection of School Houses; but in the practical part of the School system, where the operation of the principle is most important, it does not obtain. All that is done by the District Council will answer no practical purpose, if the Trustees do not furnish and keep the School House comfortable, and employ a proper Teacher, and provide for the payment of his salary. This the Trustees cannot do, as a general rule, as long as they are thrown upon chance and caprice and selfishness for the resources necessary to fulfil and satisfy their engagements.

The circumstances of Trustees, as the law now stands, are as follows:—They can seldom engage a competent Teacher without agreeing to pay him a stipulated salary, and generally by the year. Very few good Teachers will agree to depend upon the chance fees of tuition arising from the chance attendance of pupils, for the principal or a large part of their salaries. But upon such chances either the Teacher must depend for the chief part of his means of support, or the Trustees must depend for the chief part of the means necessary to enable them to pay the Teacher and support the School; for they have no resource but voluntary subscription or Rate-bill upon the parents who may please—and only as they may please—to send their children to the School. Thus Trustees, in order to establish and maintain a good School, must agree to pay a stipulated sum per

quarter, or per year ; but they have no certain resources beyond their own private means to rely upon to enable them to pay the sum stipulated.

That the resources arising from the imposition of rate-bills upon parents voluntarily sending their children to the School are insufficient, and that this system is detrimental to the interests of the Schools and of the youth of the community, will be obvious from the following considerations, which have been repeatedly brought before me as *facts* in the form of complaints and applications for counsel and advice :—When it is known that a considerable sum will be required to repair the School House and make it comfortable, parents, in many instances, desist from sending their children until after the completion of the repairs, so as to avoid being rated for the payment of them. One of the evils attending such a proceeding is, that the children of such parents are deprived of a quarter's instruction in the School. Another evil is, that the refusal of some parents to bear a part of the expense of repairing and furnishing the School House imposes a heavier burden upon those who do send to the School, and sometimes prevents so many others, that the Trustees are compelled either to leave the House unrepaired, and continue to occupy it when utterly unfit for use, or resort to voluntary subscription to get means to make the most needful of such repairs. To avoid these inconveniencies and evils, Trustees have, in numerous instances, applied to their District Council to exercise the powers conferred upon it by the Common School Act, to impose an Assessment upon their Sections for School-house repairs and furniture ; and I have advised them to do so. This, however, is an exceedingly inconvenient and roundabout proceeding to obtain the application of the principle which is embodied in the ninth and tenth Sections of the annexed draft of Bill.

But another consideration, evincing the evil of the present system of School rate-bill is, its pernicious influence upon the School after its establishment. It involves a present pecuniary inducement to every parent to keep his children from the School. Many parents in narrow circumstances are influenced by this motive, and desist from educating their children ; indeed, I have been informed of numerous instances of poor men with large families being compelled to do so. Again, many parents possessing ample means to educate their children are indifferent in respect to it. Not having had the advantages of early education themselves, they think their children can do as they have done. A slight pecuniary inducement will, therefore, prevent them from sending their children to the School. These same considerations will also induce many parents to withdraw their children from the School, on slight grounds of offence or inconvenience. The withdrawment of every pupil from the School involves the necessity of imposing an additional amount of rate-bills upon those who continue to send their children to the School, and furnishes, therefore, additional inducement to them to remove their children also. And towards the close of the year or term of the Teacher's engagement, if it be found or apprehended that the rate-bill must be increased in order to pay his salary, many parents remove their children from the School ; others take the alarm ; and I have been informed of instances in which the School has been nearly abandoned, and the Trustees have been involved in the most painful embarrassment. Then the Trustees, perhaps, blame the Teacher for this diminution in the attendance at the School, and refuse to pay him his stipulated wages. I have been appealed to on several occasions to settle disputes arising out of such circumstances. To anticipate and prevent these difficulties, as far as possible, Trustees have, in some instances, before engaging a Teacher, gone about among their neighbours with a view of getting them voluntarily to subscribe a sufficient amount to pay his salary. In some instances they have partially succeeded ; in other instances they have been able to induce but a few to join with them in such an obligation. But, in many instances, the employment of inferior Teachers, upon terms such as a competent Teacher would not agree to, has been the result.—Now, the whole tendency of such a system is as pernicious to the feelings, views, and mental habits of all parties concerned, as it is fatal to the character and interests of the Common Schools.

Of the effect of this unpatriotic system upon the aggregate attendance of children at our Common Schools, some opinion may be formed from the fact, that the average number of children taught in them *is rather more than fifty per cent. less than in a neighbouring State*, where the principle of rate-bill according to property—instead of according to attendance—obtains. To leave children uneducated is to train up thieves and incendiaries and murderers ; and it is the interest and duty of both the Government and every honest member of the community, to aid in the prevention, as well as punishment, of crimes and their kindred vices. For the Government, or Province, with resources at command, to refuse or neglect to afford means of subsistence to starving and famishing multitudes, would be justly regarded as a public crime and disgrace. But, is it a less crime, and lighter disgrace, to subject by neglect, hundreds and thousands to intellectual starvation and the pestilence of crime and misery which follow in its train ? Yet at the present time *more than one-half of the children of Upper Canada, of School age, are not in attendance at any School !* But place the poor man on a level with the rich man in the divinely ordained means of such instruction for his children as will *qualify* and *dispose* them for their duties in the social system ; let the poor man feel that by paying his penny of School assessment, his children have as good a right to the School as those of his wealthy neighbour who pays his thirty shillings, and how many will be seen crowding to the School of knowledge and virtue from that very class of the community from which our gaols and prisons are now filled. Compel the untutored and misguided parent to pay his quota for the actual operations of the School, and a door of instruction will be opened to his children which, otherwise, parental ignorance and selfishness would shut against them ; and their natural rights and best interests will thus be protected and secured during the period of their childhood and helplessness, and they will not grow up barbarians and nuisances in the community. Require every man to pay for a necessary Common School education according to the property which he has acquired and enjoys in the Country, and you lighten the burthen of supporting the Common Schools, from those parents who are educating their families ; you remove the strongest temptation to keeping children from the School, and furnish every parent with an additional and direct inducement to send his children to the School ; you remove all contention between parents and Trustees and Teachers, on account of the present system of Rate Bills and subscriptions according to attendance ; you relieve Trustees of the most perplexing part of their duties, and place both them and the Teacher in a position more agreeable and more efficient in regard to the character and interests of the School ; you provide means for obtaining better and more regular salaries for School Teachers, and at less expense to each of the parents now sending children to the Common School, and thus ensure a better class of Teachers ; open the School House door to every child in the land, and thus lay the foundation for a virtuous, intelligent, and prosperous community.

Such are the objects contemplated by the *Ninth* and *Tenth* Sections of the accompanying Draft of Bill ;

and, should they become law, I most truly believe that they will produce a greater improvement in the Common Schools and in the diffusion of Common School education than any educational enactment which has yet taken place in this Province. In connexion with the influence of our Divine Christianity, I can conceive of no greater blessing to coming generations of Canada than the incorporation into our School law of the principle which I here advocate, and which is thus summarily expressed by the Massachusetts Board of Education in their Annual Report for 1845: "The cardinal principle, which lies at the foundation of our educational system, is, that *all the children of the State shall be educated by the State.* As our Government was founded upon the virtue and intelligence of the people, it was rightly concluded by its framers that, without a wise educational system, the Government itself could not stand; and in ordaining that the expenses of educating the people should be defrayed by the people at large, without reference to the particular benefit of individuals, it was considered that those, who, perhaps, without any children of their own, neverthless would still be compelled to pay a large tax, would receive an ample equivalent in the protection of their persons and in the security of their property."

The *Eleventh* Section of the accompanying Draft of Bill provides for the appointment of a second District Superintendent of Common Schools, at the discretion of the Council, in Districts the Schools of which exceed one hundred and fifty in number; a provision analogous to one which exists in the State of New-York. It will obviate an objection which exists to the present Common School Act, in regard to two or three of the largest Districts in Upper Canada.*

The *Twelfth* Section [authorizing the Governor in Council to remove a District Superintendent for neglect or violation of duty, until the ensuing meeting of his District Council,] is rendered necessary by the loss of the clause in the Assembly during the last Session, which was introduced into the School Bill relative to the appointment of District Superintendents of Common Schools. That clause provided for the appointment of District Superintendents by the Governor in Council, on the recommendation of the District Councils. I refer to my communication of the 3rd March last for the reasons of that clause,—namely, to conform the School law to our system of Provincial Responsible Government, and to secure the fulfilment of the intentions of the Legislature in establishing and aiding a Provincial system of Schools. But that clause not having been adopted by a majority of the House of Assembly, and the appointment of District Superintendents having been left exclusively with the District Councils, it was necessary to provide some means by which responsibility shall be secured to the Government in respect to the application of moneys which have been granted by the Legislature, and in respect to the administration of the School system, as far as the Government is responsible for it. At the present time, any District Superintendent may or may not execute the law, may or may not apply the School Fund according to the conditions and regulations required by law, and the Government has no power to prevent him from doing so. If the School Fund were created entirely by local assessment, then a local responsibility alone could be properly insisted upon; but as one-half of the Fund is provided by the Provincial Legislature, there ought to be responsibility to the Provincial Government on the part of all those who are entrusted with its management. The propriety of appointing all such Officers by the Provincial Government is obvious; but it would then follow that their salaries should be paid out of the public revenue, as are those of other public officers. But an opposite system of appointment has obtained; and as the District Councils provide for the salaries of District Superintendents out of District Funds, and provide also, one-half of the amount of the School Fund, I do not think it advisable to propose any change in the relations and responsibilities of District Superintendents to the District Councils. But for the same reason that District Superintendents are thus responsible to the Councils, should they be responsible to the government—being entrusted with the controul of moneys and other powers for the due administration of which the Government is responsible. And such is the object of the *twelfth* section of the annexed Draft of Bill.

The law of the State of New-York, from which so much of our School law has been derived, contains, among others, the following provisions relative to the appointment, removal, and duties, of District Superintendents:—

"The Board of Supervisors in each County of the State shall appoint a County Superintendent of Common Schools for such County; and in those Counties in which there shall be more than one hundred and fifty School Districts, reckoning two parts of joint Districts as one, they may appoint two County Superintendents, or one in their discretion; and at all such appointments hereafter made, the Board shall divide the County into two convenient Districts, designating the person appointed for each District respectively, when there shall be two appointed; but no share of the public money shall hereafter be apportioned to any County in which a County Superintendent shall not have been appointed, unless by order of the Superintendent of Common Schools. Such County Superintendents shall hold their offices, respectively, for two years, subject to removal by the Board of Supervisors, on complaint, for causes to be stated."

"Any County Superintendent may be removed from office by the Superintendent of Common Schools, whenever, in his judgment, sufficient cause for such removal exists; and the vacancy thereby occasioned shall be supplied by appointment under his hand and official seal, until the next meeting of the Board of Supervisors of the County in which such vacancy exists. A copy of the order making such removal, specifying the causes thereof, shall be forwarded to the Clerk of the Board of Supervisors, to be by him laid before the Board at their first meeting thereafter."

"The County Superintendents shall be subject to such general rules and regulations as the Superintendent may from time to time prescribe; and appeals from their acts and decisions may be made to him in the same manner and with the like effect as in cases now provided by law, and they shall make Reports annually to the Superintendent at such times as shall be appointed by him, which shall be the same as are now required to be made by the County Clerks, with such additional information as he shall require."

[*Laws of* 1843.]

The School Laws of the State of New-York are the result of many experiments and upwards of *forty years' legislation;* and the above quotations show how fully the adequate authority of the Executive Government is recognized and maintained in regard to all the regulations and proceedings of the State School System. But, I think, it is more congenial with our system of Government to place in the hands of the Governor in Council that power in regard to the removal of a District Superintendent which the

* This was lost in the Legislative Council, after having passed the Assembly,

law of the State of New-York gives the Superintendent of Common Schools. There it extends even to *competency* or *fitness* for office ; in the accompanying Draft of Bill it is proposed to extend it only to *misconduct.*

The *Thirteenth* Section of the annexed Draft of Bill provides for making, at the discretion of the Governor in Council, the Treasurers of District Funds, the Treasurers of the District *School* Funds also. I suggested this provision in my Report on the School Bill of the 3rd of March last ; but stated that as some, if not most of the District Treasurers received per centage on the moneys which passed through their hands, a loss would be sustained by such a provision unless a special arrangement could be made exempting Schools moneys from such a draw-back. Since then an Act has been passed changing the tenure of the office of District Treasurers ; and I believe most, if not all the District Treasurers now receive fixed salaries. I think that it will now be practicable to carry the thirteenth section of the annexed Draft of Bill into execution, (should it become a law) without any loss to the School Fund, and with advantage to the School system.*

It is not considered good policy in any other Department of the Public Service, to unite in the same person the three offices of Treasurer, Auditor, and Paymaster. Yet it is so in our School system. The District Superintendent is made the Treasurer of the School Fund of the District ; he judges of the propriety of all orders and claims made upon that Fund ; and he pays them or not as he thinks proper. Now, as a general rule, it is an advantage for one to have such funds in his hands, and to retain them as long as possible, especially if he is engaged in or connected with any kind of business. It is his interest, therefore, to defer the payment of claims upon funds in his hands as long as possible, or the notification of them to parties concerned : and the local administration of the School Act presents numerous opportunities and pretexts for procrastination in both these respects. Many complaints have, down even to the present month, been made against Township Superintendents for delaying, on various grounds, the payment of School Funds in their hands. Whether any one of these complaints is well founded or not, I have no means of knowing ; but assuming them to be ill-founded, as I hope they are, is it proper to place Superintendents of Common Schools in circumstances in which they are liable to such imputations and suspicions without any means of disproving the injustice of them ? To District Superintendents no such suspicions can attach ; for they have, as yet, had nothing to do with the payment of the School Fund to Teachers ; but under the present Statute, they are about to assume that part of the duties of the abolished office of Township Superintendents. It will now be the duty of the Common School Superintendent of each District to pay out in detail all the Common School Funds of such District. It is, therefore, a question whether he should continue to be the Treasurer of School Funds or whether they should not be placed in the hands of the ordinary Treasurer of the District, payable to School Teachers on the orders or cheques of the District Superintendent. According to the latter mode, there would be the most effectual provision for correct accounts of the expenditure of the School Fund, and for its prompt payment to parties entitled to it—the best security against any abuses in connexion with its application, and against attacks or suspicions unfavourable to any District Superintendent. Should the thirteenth Section become law, it would, of course, not be necessary for a District Superintendent, any more than the Provincial Superintendent, to enter into bonds with two or more sureties for the faithful performance of his duties. The amended law of the State of New-York is the same as that which is proposed in the thirteenth Section of the annexed Draft of Bill. It is as fellows :—" The sum annually to be distributed for the encouragement of Common Schools shall be paid on the first day of February, in every year, on the warrant of the Comptroller to the *Treasurers* of the several Counties and the Chamberlain of the City of New-York."

But, still, I do not propose that the power given by the thirteenth Section of the annexed Draft of Bill should be exercised, unless where the change of District Treasureship of the School Funds can be made without any additional charge upon them.

The *Fourteenth* Section of the annexed Draft of Bill provides for the appointment of the Mayor of the City of Toronto as a Member of the Board of Education. The reason for this appointment is, that the Provincial Normal School is established at Toronto, and the Model School connected with it will be composed of children resident in the City. The City will, therefore, have a peculiar interest in the Provincial Normal School, and its authorities may yet feel themselves called upon to contribute something towards its support. The authorities of the City of Albany provide the buildings for the Normal School of the State of New-York. Under these circumstances, I think it very proper that the Chief Magistrate of the City of Toronto should be a Member of the Board of Education.

I have thus explained as fully as appears to me necessary, and as briefly as the nature of the subjects involved would admit. the principal provisions of the annexed Draft of Bill, and which I most respectfully submit to the favourable consideration of the Governor-General in Council, with a view to its introduction into the Legislature, in order to establish a proper system of Schools in Cities and Towns in Upper Canada, and to remedy the defects which have been referred to in the Common School Act, 9th Vic. cap. xx.

I have the honour to be, &c.,

(Signed,) EGERTON RYERSON.

The Hon. D. Daly, M. P. P.,
Secretary of the Province, Montreal.

No. 8.

Copy *of Communication to the Secretary of the Province, submitting the means of carrying into effect the 2nd Section, 10th division, 9th Victoria, Cap. 20., which requires the Superintendent of Schools—" To employ all lawful means in his " power to collect and diffuse information on the " subject of Education generally among the people " of Upper Canada."*

Education Office,

Toronto, 29th Dec., 1846.

Sir,—I have the honour to submit for His Excellency's favourable consideration in Council, the following means of carrying into effect the second Section, tenth division, of the Common School Act, which requires the Superintendent of Schools : " To employ " all lawful means in his power to collect and diffuse " information on the subject of education generally, " among the people of Upper Canada.

The first measure which I respectfully propose to give effect to this provision of the Act, is, the publica-

* Note.—This clause passed the House of Assembly, but was lost in the Legislative Council.

tion, of a semi-monthly *Journal of Education;* each number to contain about 16 pages double columns, somewhat similar to Blackwood's Magazine, or the London and Westminster Review. To be published at a dollar a year, and superintended by myself.

Such a publication entitled, "The Common School Journal" is published at Boston by the Secretary of the Board of Education, and for the publication of which the Legislature of the State of Massachusetts grants assistance. A similar Journal is published at Albany—called the "District School Journal," and to the circulation of which the State of New York has contributed—as stated in the last received Report of the State Superintendent of Common Schools—the sum of "several thousand dollars." The School authorities in the two States mentioned, speak in the strongest terms of the importance and usefulness of these Educational Journals. In Paris, there are, published under the sanction of the Minister of Public Instruction, two monthly Journals. The one entitled:— "Revue de l'Instruction Publique, en France et dans "les pays étrangers," the other entitled,—"Manuel "général de l'Instruction Primaire, recueil mensuel "destiné, 1o à donner aux comités et conseils muni- "cipaux tous les renseignements nécessaires pour la "formation, l'entretien et la direction des écoles; 2o "à soutenir les intérêts des instituteurs et à les guider "dans le choix des méthodes et procédés d'enseigne- "ment; 3o à répandre dans toutes les communes de "France les meilleures principes d'éducation."

The importance and almost absolute necessity of such a publication, for Upper Canada, can scarcely admit of a doubt, besides the various facilities it would afford the Education Office in the execution of the law. I have ascertained that the expenses of printing, addressing, &c., the twenty-four numbers of such a Journal could be pretty nearly defrayed by the *payment* of a dollar a copy per year—assuming the circulation to be 2000. No allowance need be made for editing it; but allowance must be made for losses of subscriptions and other incidental expenses, such as agencies, &c. A Legislative grant for this purpose might be objected to; but I propose the following means of sustaining the publication for one year. As the Legislative Assembly will probably sanction the printing of a pamphlet edition of my Report on Elementary Instruction, I would propose that the estimated expense of such an edition of 2500 be placed at my disposal, and that such edition of the Report be printed in successive numbers of the Journal of Education. The School Act requiring me: "To prepare as soon as practicable "and recommend the adoption of suitable plans of "School-houses, with the proper furniture and appen- "dages"—a Report on which I hope to have ready by the ensuing Session of the Legislature—I propose that the sum estimated by the Government Printer for the printing of such Report on School-houses, be also placed at my disposal, and that the Report, when approved of, be printed in the proposed *Journal of Education.*

With such assistance, I would undertake to incur the responsibility and labour of publishing a semi-monthly *Journal of Education* for one year, at the end of which time it can be easily decided whether the Journal should be continued, and what kind of assistance would be required for that purpose.

Should this undertaking receive the approbation of His Excellency in Council, I should wish to issue the first number, so as to date it the 15th of January, 1847. I beg therefore to be apprized of His Excellency's decision at your earliest convenience.

A second measure by which I propose to promote the objects of the School Act, is, in the course of the next four or six months, to visit and employ one or two days in School discourses and deliberations with the Superintendent, Visitors, Teachers, and Trustees, in each of the several Districts in Upper Canada. I know of no means so effectual to remove prejudice—to create unanimity of views and feelings, and to excite a general interest in the cause of a popular Education, the establishment of Libraries, &c. The labours of such an undertaking would be very considerable, but would, I think, be amply rewarded by its results. I should not however hesitate to attempt it, should His Excellency approve of it and allow me for such expenses as may be incurred in travelling.

I propose these two undertakings in addition to the already increased duties of my Office.

I have the honour to be,
Sir, your most obedient humble servant,
[Signed,] EGERTON RYERSON.

The Hon. D. Daly, M. P. P.
Secretary of the Province, Montreal.

II.

Acknowledgement of the foregoing Letter.

(Copy,)

Secretary's Office,
Montreal, 19th October, 1848.

Sir,—I have the honour to acknowledge the receipt of a Report on the Common School Law of Upper Canada, (with an Appendix) and a Draft of a Bill, with Explanatory Remarks, making further provision for the improvement of the system of Common Schools therein; and am to inform you, that they have been laid before His Excellency the Governor General, in Council, for consideration.

I have the honour to be,
Sir, your most ob't. servant,
[Signed,] J. LESLIE,
Secretary.

The Reverend Egerton Ryerson, D. D.
Superintendent of Schools,
Toronto, C. W.

III.

Copy *of Additional Explanatory Remarks accompanying a Draft of Bill making further provision for the Improvement of the System of Common Schools in Upper Canada, by the Chief Superintendent of Schools.*

Education Office,
Toronto, 23rd February, 1849.

Sir,—I have the honour to transmit, for the consideration of the Governor General in Council, the annexed Draft of Bill for Upper Canada. For convenience, I have included in the annexed Draft of Bill all the provisions of the Draft of Bill which I had the honour to transmit with explanations, the 14th of last October. The first fourteen Sections of the annexed Draft of Bill are identical with the Draft of Bill of the 14th of October; and I have nothing to add to the explanations and remarks on the School Law generally, which accompanied that Draft of Bill.

The *Fifteenth* Section of the annexed Draft of Bill provides for giving legal effect to the proposition of the Board of Education, of the 4th of March last, and ap-

proved of by the Governor General in Council, as communicated in your letter of the 31st of October. The *Proviso* in this Section will show that it is not intended to encroach upon the amount of aid now given to the Common Schools of Upper Canada; and it will therefore not only guard the amount of aid thus given, but prevent any dissatisfaction arising in the minds of its recipients.

The *Sixteenth* Section proposes a small provision for the establishment of a Provincial School of Art and Design, on the vast importance of which I need not enlarge. I have treated the subject at some length in the concluding part of a Lecture just published in the number for February of the second volume of the "Journal of Education for Upper Canada." I may remark, that the Governor of the State of New York has recently recommended the Legislature of that State to make a grant for the establishment of a School of Art and Design, to be under the direction of the same Body that manages the State Normal School. There is room and there are facilities for establishing such an Institution on the premises and partially in connection with the Normal School for Upper Canada, at much less than half the expense required to establish it under any other circumstances or in any other place.

The additional amount coming to Upper Canada on a new and equitable division of the Legislative School Grant of £50,000, will meet the expenditures proposed in this Bill for the establishment of Common School Libraries, a Provincial School of Art and Design, and to facilitate the attendance of Candidates for School-teaching at the Normal School. When the *actual operations* of those departments of public instruction shall have been witnessed, the Legislature will *then* be able to judge whether they ought to be extended.

The *Seventeenth* Section proposes to confer upon the Chief Superintendent and Masters of the Normal School, authority to give Provincial Certificates of Qualification as Teachers to Sudents of the Normal School—a power which is possessed by the Superintendent of Common Schools for the State of New-York in regard to *any* Common School Teacher on the recommendation of a local Superintendent. I can imagine no objection to this Section; and I am satisfied it will be advantageous in several respects.

The *Eighteenth* Section is in harmony with the gracious decision of the Governor General in Council, as communicated in your letter of the 19th ultimo, in reply to my application and the recommendation of the Board of Education for the employment of a second or assistant Clerk in the Education Office for Upper Canada. I have also to remark, that should this Section be approved of in its present form, the Superintendent of Schools for both sections of the Province will be placed upon the same footing in respect to salaries. It will add, probably, from £20 to £40 per annum, for two or three years to what the Superintendent of Schools for Upper Canada will be otherwise entitled to, on a new division of the Legislative School Grant—a portion only of the expenses incurred by him in publishing the first volume of the *Journal of Education*, besides the labour of editing it. If it be desired by the Government that the Superintendent of Schools for Upper Canada should make official visits to the several Districts, he can then be enabled to do so, either by having his salary made the same as that of the Superintendent of Education for Lower Canada, or by being allowed his travelling expenses; but he is not able to do so, nor can it be reasonably expected of him, at his own expense from his *present* salary. On the accumulated duties of the Education Office for Upper Canada during the last two years, or on a comparison of them with the duties of the Education Office for Lower Canada, I have no inclination to remark; and I will only remark, that allowing travelling expenses to the Superintendent of Schools for Upper Canada will be more advantageous to him than making his salary the same as that of the Superintendent of Schools for Lower Canada.

The *Nineteenth* Section proposes to limit the power of Trustees to collect rate-bills for the salaries of School Teachers, to the year for which they are levied, and to make them personally responsible for what may be due a Teacher in case of neglect of duty in collecting it. A most fertile source of disputes and embarrassment in school operations is found in the delays in collecting rate-bills—the Trustees of one year refusing to collect the rate-bill debts of the preceding year, and the school of one year being injured in the attendance of pupils, and in some instances shut up in consequence of payments due from parents of children to the school of the preceding year. The Nineteenth Section will be a help to Trustees who insist upon the regular payment of rate-bills, and will prevent the evils arising from delays.

These first Nineteen Sections of the annexed Bill, I have the honour to recommend as necessary to render the Common School Law of Upper Canada efficient without any reference to the new "Municipal Corporations Bill;" and should not the "Municipal Corporations Bill" become law this Session of the Legislature, I most earnestly hope the first nineteen Sections of the annexed Bill will be passed. As I explained in my Communication of the 14th of October last, these Sections propose no *alterations* in the provisions of the present School Law, but the remedying of defects which the omissions of clauses in the Drafts of previous Bills have caused, and the supply of wants which the progress of the school system has created. Many facts and recommendations from local Superintendents, and two or three District Councils, have come to my knowledge since last October, in favour of the principal Sections of the Draft of Bill then transmitted—and especially in favour of the *Second* and *Third* Sections; and the only amendments in the School Law, which have been urged by the Municipal Councils of the Brock, Talbot, and Home Districts, at their recent Sessions, are embraced in the annexed Draft of Bill. I have not seen any recent proceedings of any other District Council in Upper Canada, on the subject of the School Law.

Sections *designed to adapt the School Law to the proposed "Municipal Corporations Bill."*

The last six Sections of the annexed Draft of Bill, are designed to adapt the School Law to the contemplated change in the Municipal Councils of Upper Canada.

There is a great difference in the comparative efficiency of the School System in different Districts; and I believe that difference is chiefly owing to the character of the local Superintendents. Where the District Superintendent is an *intelligent*, *practical*, *active*, *industrious* man, and *heartily alive to the great interests of the work in which he is engaged*, there the progress of the system is obvious and most gratifying, and the Municipal Council is disposed to carry out the judicious and various practical recommendations of the District Superintendent. As examples, I may refer to the Brock, Talbot, Niagara, and indeed to more than one-half of the Districts in Upper Canada. But in other Districts, where the local Superintendents are far from being efficient, either from want of practical talent or diligence, the state of the School System, and the interest of the people in the Schools, are very different.

Now, in this last class of Districts, I think any change in the local supervision, cannot be otherwise than an improvement; but in Districts which have been fortunate in the selection of local Superintendents, I doubt whether a change in the system of local supervision will be advantageous to the interests of the Schools—at least, for some time to come. But with a system of Township Municipal Councils, there can be no other than a system of *Township Superintendence;* and there must be also a corresponding system of correspondence with the Provincial Education Office—thereby greatly increasing its duties.

On the whole, however, and in the course of a short time, I think a *Township* School System of Common Schools, (which prevails in some of the New England States), will be found very superior to the present County or District System; although I am aware that, in this opinion, I differ from the strongly expressed views of the New York State Superintendent of Common Schools in his last Annual Report. But the Townships in Upper Canada are very much fewer than in the State of New York, nor is there any Township Municipality System in that State; and I have constructed some of the last six Sections of the annexed Draft of Bill, with a view of guarding against the defects and evils of the Township Superintendent System complained of by the New York State Superintendent.

The *Twentieth* Section prescribes the times when the several provisions of the Bill shall come into force.

The *Twenty-first* Section invests Township Councils, within their respective jurisdictions, with the powers of the present District Councils for Common School purposes.

The *Twenty-second* Section requires each Municipal Council to notify the Chief Superintendent of its appointment of a local Superintendent—a necessary precaution and provision.

The *Twenty-third* Section confers upon Township Superintendents, within the limits of their respective jurisdictions, the powers of District Superintendents, with two vitally important provisos:—The one fixing the minimum of the allowance to Township Superintendents, the other prescribing additional duties of the highest importance to the progress of Common Schools. Without these provisos, I think the system of *Township* Superintendents will prove a failure, as it has done in the State of New York; with these provisos, I think it will add very greatly to the efficiency of our Common School System. In the "Municipal Corporations Bill," I perceive the minimum of allowance to certain officers is proposed to be prescribed by law; and I think such a provision *absolutely essential* to the efficiency of the *office* of Township Superintendent. The inefficiency of the late office of Township Superintendent was, I am persuaded, chiefly owing to the absence of the provisos which I here propose. In some instances, persons offered to perform the duties of Township Superintendent gratuitously, and such offers were invariably accepted; but that gratuitous zeal soon subsided; and as gratuitous service is irresponsible service, those who performed it considered themselves entitled to gratitude for the little that they did, rather than liable to blame for the much that they did not. Besides, when there were rival candidates for the office, the lowest bidder almost always received the largest suffrage; but when once in office, he would proportion his work to his compensation. Such was the tendency and practical effects of the system; though there were many honourable exceptions. And a still worse effect of that system was, the appointment, under such circumstances, of many incompetent persons. The first proviso which I propose, will remove all competition for the office upon pecuniary grounds; and while the compensation will be such as to secure the services of competent persons, the duties enjoined by the *second proviso* can hardly be discharged, or even attempted by incompetent persons. The second proviso will prevent the Councils from appointing persons who are not competent to prepare and deliver public lectures; and persons who are competent to do that will be most likely to be qualified to inspect and superintend the Schools—their qualifications for which will be necessarily increased by their obligations to prepare public lectures on such subjects. The *second proviso* will produce, per annum, 12,000 school visits of Superintendents, instead of 3,000, as at present, besides, 3,000 *public school lectures*,—one in each School Section in Upper Canada. The vast amount of good which will result from such an arrangement, can scarcely be estimated.

This *Twenty-third* Section is likewise so worded, that the same person may be appointed School Superintendent of more than one Township; and it will probably often happen that the same person,—known to be peculiarly qualified for such an office, and devoted to the interests of Schools—may be appointed Superintendent of Common Schools by the Municipal Councils of two or three or four contiguous Townships. It is probable that some of the best of the present District Superintendents will be so employed.

As to the expense of the Township Superintendent System, I remark that in several of the Districts, the salaries *now paid* to District Superintendents *exceed* one pound currency per School; and in other Districts where this is not the case, the salaries of the District Superintendents are notoriously too small. The payment of *both* District and Township Superintendents would be felt as a burthen, as the system itself is both complex and feeble; but the difference in the expense of a system of Township *or* District Superintendents, will be nominal, while about four hundred per cent. more labour will be performed under the former than has been performed under the latter.

A Township School System will also be favourable to the system of Township School Libraries, with the School Sections as branches. Under this system the Chief Superintendent can render his official annual visits to the several Counties or Districts more useful than at present, by meeting the School Superintendents of the several Townships, and through them, bringing to bear, in the course of a few months, upon every Township and School Section in such Districts, any measures of practical improvements in the Schools.

Since the foregoing was written, I have added a *third proviso* to the twenty-third Section with the view of securing the attendance of Township Superintendents at County or District meetings, such as were held by the Chief Superintendent in the autumn of 1847. I apprehend no objection to such a proviso; and I think it will be attended with advantage in many instances.

The *Twenty-fourth* Section provides for the peculiarities of *Union* School Sections. In almost every *Township line*, the School Sections are composed of portions of adjoining Townships; and the method I propose to provide for them will, I think, be found simple and effectual.

The *Twenty-fifth* Section provides for County certificates of qualification to Teachers, as those of a Township Board of Examiners cannot have force beyond the limits of such Township, and as many Teachers will feel it an inconvenience to be compelled to get a new certificate every time they remove from one Township to another. But in the Programme of

subjects which I should recommend for the concurrence of the Board of Education and the sanction of the Governor General in Council, for the guidance of such County Boards, I would provide that none but the first or highest class of certificates should be given by them.

The *Twenty-sixth* Section provides for the continuance in office of the District Superintendents until the first of March, 1850, and then for the transfer of their School moneys and papers to Township Superintendents. The local School Reports for the current year cannot be prepared before the first of March 1850; and the greatest confusion would arise from their earlier retirement from office.

Should any further information be required on any of the subjects embraced in the annexed Draft of Bill, I shall be happy to furnish it as far as in my power.

Believing that the latest practical information as to the workings of the Common School System in the State of New-York, would be acceptable and useful to those Members of the Honourable the Executive Council who may take charge of the proposed School Bill, I have procured and herewith transmit copies of the last Official Reports of the Normal and Common Schools of that State.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed,) EGERTON RYERSON.

The Honourable
JAMES LESLIE,
Secretary of the Province,
Montreal.

COPY *of a Draft of Bill making further provision for the Improvement of the System of Common Schools in Upper Canada.*

WHEREAS it is expedient to make further provision for the Improvement of the System of Common Schools in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;* and it is hereby enacted by the authority of the same, That the Board of Trustees for each City and Incorporated Town in Upper Canada shall have the same authority to levy and cause to be collected rate bills for Common School purposes which the Trustees of Common Schools generally possess, or with which they may be invested by law, any thing contained in any law or statute to the contrary notwithstanding.

II. And be it enacted, That it shall and may be lawful for the Trustees of any Common School, in addition to the powers with which they are now invested by law, to cause, if they shall judge it expedient, any lawful rate-bill to be made annually, or oftener, upon all the inhabitants of their School Section according to the valuation of property, as expressed in the Assessor's Roll, who shall allow any one of the Trustees, or their authorized collector, to make a copy of such Roll, so far as it may relate to their School Section.

III. And be it enacted, That it shall and may be lawful for the Trustees of any School Section to purchase books, maps, globes, blackboards, and other apparatus for the use of pupils in their school, and to levy the necessary rate-bill or rate-bills upon the parents of children attending the school, or upon the inhabitants of their School Section according to the valuation of property, as heretofore provided in this Act, as they may judge expedient, for the payment of the said books, maps, globes, blackboards, and other apparatus, and the lawful expenses of collecting the same.

IV. And be it enacted, That persons over sixteen years of age applying for admission into the Common School of the Section in which they shall reside, shall be received upon the same terms and under the same regulations as children of legal school age.

V. And be it enacted, That it shall be the duty of the Trustees of each School Section to prepare and read, or cause to be prepared and read, at each Annual School Meeting for their Section, the Annual School Report; which shall include among other matters required by law, a full account of the receipts and expenditure of all School moneys which have been received and expended in behalf of such Section for any purpose whatsoever during the year then terminating; and if said account shall not be satisfactory to a majority of the householders present at such meeting, then such householders, or a majority of them, shall appoint one person, and the said Trustees shall appoint another, and the two arbitrators, thus appointed, shall examine said account, and their decision respecting it shall be final; or if the two arbitrators thus appointed, shall not be able to agree, they shall have authority to select a third arbitrator, and the decision of the majority of the three arbitrators, thus appointed or selected, shall be final; and such arbitrators, or a majority of them, shall have authority to collect or cause to be collected whatever sum or sums may be awarded by them, in the same manner and under the same regulations as those according to which Trustees are authorized to collect school rate-bills; and the sum or sums thus collected, after deducting the lawful expenses of collection, shall be paid into the hands of the District Superintendent, and expended for the Common School purposes of said Section.

VI. And be it enacted, That every Trustee of a Common School who shall be convicted before a Magistrate, on the complaint of any person whatever of signing a false report, and every Teacher of a Common School who shall be convicted, in the same way, of keeping a false register or making a false return, with the intent of obtaining a larger sum than the just proportion of School moneys to such Common School, shall, for each offence, forfeit to the Common School Fund of the District, the sum of five pounds, and shall be liable to be tried and punished for misdemeanor.

VII. And be it enacted, That it shall and may be lawful for the Municipal Council of each District in Upper Canada, if it shall think proper, to appoint and provide for the salaries of two District Superintendents of Common Schools, whenever there are more than one hundred and fifty Schools in such District, and to prescribe to each of the Superintendents so appointed the part or parts of the District in which they are respectively to perform the duties required of District Superintendents of Common Schools.

VIII. And be it enacted, That it shall and may be lawful for each Municipal Council in Upper Canada to appoint a Board of Examiners, not exceeding seven in number, of whom the District Superintendent of Common Schools shall be one, and shall preside at all meetings of such Board; and it shall be the duty of

the Board of Examiners, three of whom shall form a quorum for the transaction of business, to meet, not oftener than four times a year, at such time and place as may be appointed by the District Superintendent, to examine and give certificates of qualification to candidates for School-teaching, under such regulations as may be provided according to law for conducting such proceedings: Provided also, that no Teacher in any District where such a Board of Examiners shall be appointed, shall be considered as a lawfully qualified Teacher who shall not, within twelve months after the appointment of such Board, have obtained a certificate of qualification signed by the Chairman under the sanction of the majority of such Board present at a lawful meeting of the same: Provided likewise, that in no District where such a Board of Examiners shall be appointed according to the provisions of this Act, shall it be lawful for any two School Visitors, or for the District Superintendent without the concurrence of a majority of such Board of Examiners present at any lawful meeting, to give a certificate of qualification to any Teacher or Candidate for School teaching: Provided furthermore, that it shall be lawful for the Municipal Council of any District in which there are two Superintendents of Common Schools to appoint two Boards of Examiners for the parts of the District respectively which have been assigned to the respective District Superintendents.

IX. And be it enacted, That it may and shall be lawful for the Municipal Council of any District to authorize the establishment of one or more Schools for the education of the children of coloured people, which School or Schools shall be managed in the same manner and be subject to the same obligations as the law prescribes for the management of separate Schools: Provided nevertheless, that such Schools shall be aided out of the Common School Fund of the District in proportion to the attendance of pupils at such Schools as compared with the attendance of pupils at the other Common Schools of such District.

X. And be it enacted, That in case of any dispute arising in a School Section as to the site of the School house of such Section, the Municipal Council of the District, in which such Section is situated, shall decide in such manner as it may judge expedient; as also on the sites of all School houses built by means of money raised under the authority of such Municipal Council.

XI. And be it enacted, That so much of the fifth Clause of the Thirteenth Section of the Statute 9th Vict., chap. xx., as prohibits the giving of a certificate of qualification for teaching a Common School to any other than a natural born or naturalized subject of Her Majesty, Her Heirs or Successors, be and is hereby repealed.

XII. And be it enected, That it may and shall be lawful for each District Superintendent of Common Schools, (unless otherwise directed by lawful authority,) to apportion the District School Fund to the several Sections in such District entitled to receive the same according to the ratio of the average number of pupils attending each Common School (the mean attendance of pupils for both summer and winter being taken) as compared with the whole average number of pupils attending the Common Schools of such District.

XIII. And be it enacted, That it may and shall be lawful for the Governor-General, by and with the concent of the Executive Council, to expend a sum not exceeding [2,000] pounds, currency, per annum, for the establishment and support of Common School Libraries, under such regulations as may from time to time be prescribed by the Chief Superintendent of Schools, by and with the sanction of the Governor General, in Council: Provided nevertheless, that no aid shall be given towards the establishment and support of any Common School Library without an equal amount being contributed and expended from local sources for the same object.

XIV. And be it enacted, That it may and shall be lawful for the Governor-General, by and with the consent of the Executive Conncil, to expend a sum not exceeding fifty pounds per annum, in any one District in Upper Canada, for the holding of a Teachers' Institute or Institutes in such District, under such regulations as may from time to time be prescribed by the Chief Superintendent of Schools, by and with the sanction of the Governor-General in Council: Provided also, that no such Teachers' Institute shall continue for a period of less than five, or more than ten days.

XV. And be it enacted, That it may and shall be lawful for the Board of Education for Upper Canada to expend out of the Legislative Grant for the support of Common Schools, a sum not exceeding one thousand pounds per annum, to facilitate the attendance of candidates for school-teaching at the Normal School for Upper Canada: Provided always, that the sum thus authorized to be expended, and any other sum or sums authorized to be expended by this Act, shall not lessen the amount heretofore expended for the support of the Normal, Model and Common Schools in Upper Canada.

XVI. And be it enacted, That it may and shall be lawful for the Board of Education for Upper Canada to expend a sum not exceeding five hundred pounds per annum, towards the establishment and support of a School of Art and Design for Upper Canada, in connexion with the Normal School or otherwise, under such regulations as may be adopted by said Board, and approved of by the Governor-General in Council.

XVII. And be it enacted, That it may and shall be lawful for the Chief Superintendent of Schools, by and with the advice and recommendation of the Masters of the Normal School for Upper Canada, to give a Certificate of qualifications as a Teacher of Common Schools in any District in Upper Canada: Provided always, that no such certificate of qualifications shall be given to any person who shall not have been a Student in said Normal School for a period of not less than five months: And provided also, that every person to whom such certificate of qualifications is given, shall be entitled to all the privileges and advantages of a legally qualified Teacher in any part of Upper Canada, until his certificate of qualifications shall have been cancelled.

XVIII. And be it enacted, That the same allowance shall be made in respect to salaries and contingent expenses for the management of the Education Office for Upper Canada which has been authorized by law in respect to salaries and contingent expenses for the management of the Education Office for Lower Canada.

XIX. And be it enacted, That after the year of our Lord one thousond eight hundred and forty-nine, the Trustees of any School Section shall not have authority to collect any rates which they may have levied for the salary of a Teacher or Teachers, after the expiration of the year for which such rates have been levied; and such Trustees shall be held personally liable for the payment of any sum or sums due to a Teacher or Teachers which such Trustees have neglected to collect as authorized by law.

XX. And be it enacted, That the foregoing sections of this Act shall have force and effect immediately

after the passing thereof; and that the following sections of this Act shall have force and effect upon and after the first day of January, in the year of our Lord one thousand eight hundred and fifty, and not before, and not unless a Bill entitled "An Act to provide by one general law for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada," becomes a law.

XXI. And be it enacted, That the Municipal Council of each Township shall be, and is hereby invested, with all the authority and power and subject to all the obligations for Common School purposes within the limits of its jurisdiction, which appertain to each District Council in Upper Canada under the authority of the Statutes, 9th Vic., cap. 20, and 10th and 11th Vic., cap. 19.

XXII. And be it enacted, That it shall be the duty of each Municipal Council of a Township, or City, or Town, to report to the Chief Superintendent of Schools for Upper Canada the name of every person appointed as Superintendent of Common Schools for such Township, or City, or Town.

XXIII. And be it enacted, That each Township Superintendent of Common Schools shall, within the Township or Townships for which he may be appointed, possess all the powers and be subject to all the obligations which appertain by law to each District Superintendent of Common Schools: Provided always, that each Township Superintendent of Common Schools shall be entitled to a sum of not less than one pound currency per annum for each School under his charge: Provided also, that it shall be the duty of each Township Superintendent of Common Schools to visit and examine each School under his charge at least once a quarter, and to deliver a public discourse or lecture on some subject connected with the objects or interests of Common Schools in each School Section at least once a year: Provided furthermore, that it shall be the duty of each Township Superintendent to attend such County or District School meeting of Township Superintendents as may be appointed by the Chief Superintendent from year to year, to confer on matters relating to the interests of Common Schools and the diffusion of useful knowledge in the several Townships of such County or District.

XXIV. And be it enacted, That each Union School Section composed of portions of adjoining Townships, shall, for all purposes of Trustee elections and controul, be deemed one School Section, and shall be considered in respect to Superintendence and taxing for the erection of a School-house, as belonging to the Township in which the School house may be situated, and the School Fund apportioned to the several parts of such School Section shall be paid into the hands of the Superintendent of Common Schools for the Township to which such School Section is hereby declared for certain purposes to appertain.

XXV. And be it enacted, That the power conferred by the eighth Section of this Act, upon Municipal Councils for Districts, shall be invested in the Municipal Councils for Counties; and the Board of Examiners appointed by the Municipal Council of any County shall have the same authority and be subject to the same obligations within the County for which they may be appointed, as appertain to each Board of Examiners, according to the eighth Section of this Act: Provided also, that each Board of Examiners, appointed under the authority of this Act, shall, at any lawful meeting, appoint a Chairman who shall exercise the same power in regard to the objects of such meeting, as the District Superintendent of Common Schools is authorized by the eighth Section of this Act to exercise: Provided likewise, that the Municipal Council of the County shall designate the member who shall call the first meeting of the Board of Examiners.

XXVI. And be it enacted, That each District Superintendent of Common Schools who may be in office on the first day of January, one thousand eight hundred and fifty, shall continue to exercise all the powers and perform all the duties which he is now authorized and required by law to perform, until the first day of March of the said year, one thousand eight hundred and fifty; on which day he shall deliver into the hands of the Superintendent of Common Schools for each Township within the District of his charge, all Common School papers and moneys (remaining in his hands,) which relate or have been apportioned to the Common Schools of such Township; and for every refusal on the part of any District Superintendent of Common Schools to comply with this provision of this Act, he shall be subject to the forfeiture of twice the amount of the sum or sums of money (exclusive of costs) which may be involved in his refusal; and the Superintendent of Common Schools for each Township concerned, is hereby authorized and required to sue any such defaulting District Superintendent of Common Schools, before any of the Courts of law authorized to take cognizance of such cases, and to add the amount collected, after deducting necessary expenses, to the Common School Fund of his Township.

IV.

Acknowledgment of the foregoing Letter, with Draft of Bill.

(Copy.)

Secretary's Office,
Montreal, 3rd March, 1849.

Sir,—I have the honour to acknowledge the receipt of your communication of the 23rd ult. enclosing a Draft of a School Bill for C. W.; also the last official Reports of the Normal and Common Schools of the State of New York; and to inform you in reply that the subject of your communication will not fail to receive the consideration of His Excellency the Governor General in Council.

I have the honour Sir, to be,
Your most obedient Servant,

(Signed,) J. LESLIE,
Secretary.

The Reverend
Egerton Ryerson, D.D.
Superintendent of Schools, C. W,
Toronto.

V.

Copy of Remarks, by the Chief Superintendent of Schools, on the New School Bill for Upper Canada, [12 Vic. c. 83.] brought into the Legislative Assembly, by the Honorable Malcolm Cameron.

REMARKS ON THE NEW SCHOOL BILL.

Contents.

General remarks on the New School Bill.

1. Inquiries which should precede further legislation on the subject of Common Schools.

2. Spirit of the new Bill.

3. Difference in the principles of School Legislation between Upper and Lower Canada proposed by this Bill—exclusion of the Clergy in Upper Canada from being School Visitors, while they are continued, with extraordinary powers, in Lower Canada.

4. The new Bill does away with a Provincial System of Schools.

5. Prejudicial to certain great objects of the Normal School.

6. Modes of preparing School Reports proposed by the Bill, tedious, expensive and inefficient.

7. Financial provisions render Teachers liable to a loss of twenty-five to forty per cent. of the School Fund—and the provisions to provide for poor Schools unnecessary and inefficient.

Provisions of the Bill examined in detail, and various defects and anomalies pointed out.

Practical remarks and recommendations submitted for consideration.

(COPY.)

Education Office,
Toronto, 12th May, 1849.

Sir,—When recently in Montreal (where I arrived on the 26th ultimo) the Members of the Government were so entirely occupied with matters growing out of the proceedings which have disgraced the City of Montreal, and inflicted irreparable loss upon the Province, that they were unable to give any deliberate attention to the great interests involved in a School Law for Upper Canada. In accordance, therefore, with the suggestions of one or two Members of the Government, I proceed to submit in writing, for the consideration of the Governor-General in Council, observations on the School Bill lately brought into the Legislative Assembly—observations which I should have preferred making personally, had it not been for the humiliating events to which I have alluded. I make these observations the more freely because I was informed that some Members of the Government had not even read the Bill, and because I am persuaded many of its provisions will not be approved of by His Excellency, in Council, when the real character and operations of them are carefully examined.

Previously to my entering into the details of the Bill, I desire to make some general remarks.

1. My first general remark is, that before undoing nearly all that has been done in School Legislation, and subverting our whole system of School operations, I think a Commission or Committee of Inquiry should examine into what has been effected, and what causes have prevented greater success,—whether the provisions of the School Law, or other circumstances which time and labour alone, and not law, can controul. In such inquiries, educationists and educational statesmen have always had recourse to educational statistics when attainable. Minute and extensive statistics of Common Schools in Upper Canada during the two full years of the operations of the present School Act, have been collected, as well as tolerably comprehensive financial statistics of our Common Schools during two or three years of the operations of the late Common School Act for Upper Canada. Before doing what experience has shown the introduction of every new general School Law has done in Upper Canada: throw back the School operations of the country an entire year, would it not be proper to examine into our School statistics, and compare them from year to year with those of other states or countries where the advancement of Common Schools has confessedly been most rapid? If such a comparison should result in favour of Upper Canada in every particular which involves the local voluntary operations of the people, would it sanction the repeal of our present School Law, or suggest the propriety of merely supplying its proved defects? Yet what I here intimate hypothetically, I am prepared to establish as fact. And if it should, furthermore, appear on inquiry, that those very Districts and portions of Districts which have made the greatest progress in the character and efficiency of their Schools, in the attendance of pupils and the salaries of Teachers, are averse to any organic changes in the present School Law; that no less than three District Councils which in 1847-8 expressed themselves unfavourably in regard to the provisions of the present School Act, have in 1848-9 expressed themselves directly the reverse; that not more than one or two District Councils in all Upper Canada have petitioned the Legislature at its present Session for any considerable changes in the School Law; that the places and parties where opposition has been made to the law, the least has been done to support Common Schools, and the object is to do still less by relaxing the existing obligations of the law; and if it can likewise be shown, that the case of every poor School Section has, as far as has been made known, been provided for, or can be most effectually provided for under the present law, and that without deducting a farthing, much less twenty-five per cent. out of the Legislative Grant apportioned for the payment of Teachers, and without establishing a class of pauper schools in the country,—if an inquiry into the operations of our School Law should establish what I have here supposed—and which I am certain would be the case—I am persuaded the Governor-General, in Council, would not desire to impose upon the people of Upper Canada the trouble, expense and perplexity of studying and learning to apply a new law, much longer, much more intricate, much more troublesome and expensive to work than the present law, and requiring new forms to carry into effect most of its provisions.

2. My second general remark is, that the new Bill has been conceived, and several of its provisions undoubtedly drawn up in a spirit of hostility to myself personally. Indeed the details of the Bill seem to have been prepared with a view of dispensing with the office of Provincial Superintendent; and in connexion with those details that office appears to be a sort of addendum (though first in order) to the other provisions of the Bill. I have been informed upon authority which I cannot doubt, that the Bill has been chiefly draughted by a person who has, for the last three years, been writing in a District newspaper against the present School Law and against myself—a person, who, as Chairman of the Education Committee of the Bathurst District Council, has put forth three Council documents reflecting upon myself—the only Council documents of the kind which have appeared in Upper Canada. It is very natural to suppose that such a gentleman would frame a Bill in harmony with his previous publications. So strong was my impression of the feeling which dictated the framing of the Bill, in its omissions and peculiar provisions, that I supposed it was at least intended to make a change in the Head of the Department, but on being assured at Montreal that such was not the intention of the Government, and

being satisfied that the Members of the Government generally, had no sympathy with, or suspicion of, the feelings which must have suggested several provisions and omissions in the Bill, I have felt it due to the Governor-General, in Council, due to the Board of Education, and due to myself, as well as to the people of Upper Canada, to analyze the principal provisions of this Bill—a Bill widely different in its general character and objects, from what the reported explanation of them, on its introductionin to the Legislative Assembly, would lead the public to suppose.

3. My third general remark is, on the wide difference in the principles of legislation and of the spirit and character of the School System which this Bill proposes in regard to Upper Canada from that which is pursued in respect to Lower Canada. The newspapers and Superintendent's School Reports for Lower Canada show that much stronger and more extensive opposition has been made to the School Law *there* than *here*—that much less progress has been made in the School System *there* than *here*. But it has not been proposed to repeal the School Law there—to introduce an entirely new Law, involving much new machinery, and requiring new forms and regulations for its execution, and at the same time that it thus imposes upon the Superintendent a long task of tedious and thankless labour, denuding him of the means by which the experience of other educational countries, as well as Canada, shows, that his labours can be rendered successful, and the practical operation of a general system of elementary instruction matured and perfected. Though the powers of the Superintendent of Schools in Lower Canada are much greater than they are in Upper Canada, the constitution of his office is not changed, nor the fruits of his past labours destroyed; but he is aided in his work by having the defects and uncertainties of the present law remedied by the introduction and passing of a short Bill for amending it. But the School Bill under consideration proposes to treat the Superintendent of Schools for Upper Canada and his labors in a very different way. I think that any person deemed worthy of being continued in the office of Chief Superintendent of Schools in one section of the Province, is justified in expecting the same countenance and support from the Government, as is accorded to his Colleague in the other section of the Province. This countenance and support I have certainly received up to the present time; and this Bill is the first indication I have received of a different course of policy—which I am confident was not contemplated by the Governor-General, in Council. It is worthy of special remark, that by the provisions of this Bill the Clergy of various religious persuasions, as well as District Councillors and Magistrates, in Upper Canada, are denuded of the office of *School Visitors*—while the same description of persons, and others also, are retained as School Visitors in Lower Canada; and there the Clergy have also even the powers of selecting the religious books used by the pupils of their own persuasion. So essential a difference in the principles of School legislation for the two sections of Canada, must appear extraordinary to every impartial observer—that in Lower Canada where the Roman Catholic Religion is predominant, the Clergy are invested with so great power, while in Upper Canada, where the Protestant Religion is more generally prevalent, the Clergy should be excluded from visiting the Schools at all. I am satisfied the Governor-General, in Council, could not have been aware of so invidious an omission in this Bill. If the School Visitors' Section of the present School Law for Upper Canada is a dead letter—as the reputed author of the new Bill has often asserted in the public papers—then it can do no harm. If, on the other hand, this section of the present law has not proved a dead letter, if it has been the means of often bringing Clergymen of different religious persuasions into friendly personal intercourse with each other, and of increasing a catholic spirit of Christian charity in whole neighbourhoods, and of combining the influence of the Clergy, Magistrates and others, in connection with that of parents and children immediately concerned in behalf of the interests of Common Schools, and if not a single instance can be adduced that this Section of the Act has operated injuriously, why should it be repealed? I can imagine no other reason for such a proposition than the hostility of the reputed author of the new Bill to the more numerous religious persuasions in Upper Canada. It appears by the statistical school returns for 1847 and 1848, that there were school visits of Clergy in 1847, 1,823—in 1848, 2,254; of District Councillors in 1847, 882—in 1848, 959; of Magistrates in 1847, 1,203—in 1848, 1,459. I submit then, that no candid, enlightened friend of general education could wish a section of the school law repealed which has developed in the course of the first two years of its operations so powerful a hitherto dormant influence in behalf of the Common Schools.

4. I remark in the fourth place, that this Bill makes no provision whatever for carrying into effect any general system or regulations of Common Schools, although it recognizes the necessity of such regulations and such a system. By one provision of the third Section, the Chief Superintendent is required "to see that all moneys apportioned by him under the authority of this Act be applied to the purposes for which they shall have been granted." This provision admits and assumes the necessity of some general Governmental oversight in order to secure the fulfilment of all the conditions of the Legislative enactment in the application of School moneys. But when we come to examine the provisions of the Bill for the carrying out of this principle, we find them not only wanting, but contravened by all the details of the Bill, which do not enable the Chief Superintendent even to learn, much less decide upon the local application of School moneys in any case whatever, and which place the absolute distribution and application of all such moneys, not in the hands of responsible individual officers, (as is the case in other Departments of Government) but with elective bodies, each member of which (like each member of the Legislative Assembly) is concerned to get as much as possible for the section that he represents, whatever may become of other sections; and he whose tact and vigilance will enable him to secure most for his own constituents, will be most applauded by them, whether from a Relief or any other Fund, without any regard to the claims or wants of other constituencies. The members of such elective bodies, as representatives of different constituencies, are interested parties in all such acts, and cannot, therefore, be impartial. The impartiality and responsibility of a Judge in such administrative acts requires, I think, a different method of executing the financial provisions of the School Law from that which is proposed in this Bill. And I am the more confirmed in this opinion by the provisions of the School Laws of every State in America, as well as every country in Europe, where an elementary School System exists. I know of no School System in Lower Canada, or any State of America, in which a State officer is not the responsible authority to decide upon and guard the faithful application of State appropriations. But my object is not to establish a theory; it is to call attention to the fact that the details of this Bill contradict and oppose, throughout, the admitted principle and required duty, that the Chief Superintendent shall "see that all moneys apportioned by him under the authority of this Act shall be applied to the purposes for which they shall have been granted."

On this point I desire to remark further, that this Bill requires the Chief Superintendent of Schools to make *Forms* and *Regulations* for conducting all the

operations of Common Schools—thus admitting the necessity of some general regulations; but the Bill provides no means whatever for securing the observance of these regulations, or the fulfilment of any of the conditions which they might involve. No provision whatever is made by which the Chief Superintendent can even ascertain whether any one of these regulations is observed in a single Township or School Section in Upper Canada. No provision is made to enable him to learn the name of the Township Superintendent of Common Schools; nor is any Township Superintendent required to answer any inquiries which the Chief Superintendent may make, much less to comply with or enforce any of his decisions, instructions or regulations.

5. I remark fifthly, that the provisions of this Bill are equally at variance with another important object of a Provincial system of Common Schools, as it denudes the Provincial Board of Education of its authority to recommend school-books, and places that authority in a great number of Local Boards. The Legislature of the State of New-York wisely placed the management of the State Normal School in the hands of the same Body which was invested by law with authority to recommend books to be used in the Libraries, etc., of the Common Schools. This example has been followed in Upper Canada. One object of the Provincial Normal School is, not only to train Teachers in the best methods of teaching certain subjects, but also to familiarize them with the character and best modes of teaching certain books and make a corresponding classification of pupils in their schools; and also to acquaint Teachers with the general character of books which may be recommended for Common School Libraries, and the best means of introducing them. The provisions of this Bill set aside these important and collateral objects of the Normal School—do away with an already widely introduced series of Provincial school-books—prevent any Provincial publisher from printing a school-book, as he can have no assurance of its general use—and fill up the schools with the books imported and praised by itinerant vendors, as the Local Boards cannot command the means and facilities of acquainting themselves with the foreign book market, and procuring various books, and by examination and comparison, select the best and the cheapest for their Schools. I would also submit whether the proceedings of the Provincial Board of Education have not thus far been most salutary as well as successful in regard both to the character and the prices of the books now used in *nearly two-thirds* of the Common Schools in Upper Canada, and that, in a period of less than three years. I cannot conceive any sufficient reason for putting an end to such a course of usefulness, and blasting its anticipated fruits, by setting aside the Provincial Board of Education, and creating a number of Local Boards, which are not in a situation to ascertain the cheapest and best books, much less to negotiate and devise means for making them accessible at the lowest prices. On the eve of providing for School Libraries and other improvements in the facilities of general knowledge, I can conceive many reasons for enlarging the number of Members, and for increasing the powers and importance of the Provincial Board, or Council of Education, but not one for abolishing it.

6. Another general remark is, that the mode of preparing School Reports provided for by this Bill is inefficient, laborious and expensive, beyond all precedent,. It requires *two* copies of each Trustees' Report to be made—the one to be posted in the School Section, and the other to be sent to the Township Superintendent; it then requires *two* copies of the Township Superintendent's Report to be made—the one to be laid before his Township Council, and the other to be transmitted to the County Clerk; it then requires the County Municipal Council to prepare and transmit a County School Report to the Provincial Superintendent. Thus, in a matter which local parties regard as most irksome, and which they perform with the greatest reluctance, their work is doubled—duplicate Reports being required of both Trustees' and Township Superintendents. Then the Township Superintendent is required to forward a copy of his Annual Report to the County Clerk,—which is quite as much trouble as to transmit it to the Provincial Superintendent.—After this the County Clerk (as it may be supposed) must prepare and transmit to the Provincial Superintendent a County School Report, compiled from the Reports of the several Townships in his County. That officer, as a general rule, knows nothing about preparing such Reports—has no interest or obligation in respect to their completeness—is under no obligation to write and get the defects of any local Reports supplied, should he perceive them. Now, it is to this County Council alone, which will probably meet once or twice a-year for a few days, or at most to the County Clerk—a person not practically connected with schools, or conversant with their operations,—that the Chief Superintendent is to look for all his information in regard to the expenditure of school-money, and the operations of the school-law in the various Townships and localities in Upper Canada. The contemplated County Councils cannot command all the information, on local school matters, which the present District Councils possess; yet were the Chief Superintendent left to depend on that source alone for local Reports and local information on school matters, his knowledge of the conditions of schools and of the workings of the School System would be very vague and utterly insufficient to enable him to devise and suggest appropriate means for improving the various local interests of schools. I therefore submit, whether, instead of preparing School Reports and procuring school information, so onerous and imperfect, it would not be much easier and more effective for the Trustees, who are required to prepare their Report before their annual school meeting, to read it to their constituents at such meeting, thereby adding to its interest and importance, and thus securing a larger attendance, and then transmit such Report to the Township Superintendent, who should report to the Chief Superintendent, in the same manner that the District Superintendents do now. According to this method of preparing and transmitting Annual School Reports, there is no double or superfluous labour or expense.—The Chief Superintendent will receive from year to year, what every Head of a Department should possess in order to ascertain the working of every part of the machinery of the System, and thus improve and perfect it as far and as fast as possible—a Report of the state of each School in Upper Canada, and the annual observations of the Superintendent of each Township on everything connected with the progress and interests of Common Schools within his jurisdiction. If any such Report were defective, the Chief Superintendent could do, as he has done, write to the Superintendent concerned and have the defect corrected or supplied; and if any Township Council or Section should fail to comply with the provisions of the law, the apportionment of school moneys would be withheld from such Township or Section. But the new Bill, while it limits the Chief Superintendent to the County Council or County Clerk for local School Reports and local information, it requires the withholding of the School apportionment from any County, the School Report of whose County Council is not forwarded, or is not satisfactory. This is the only means placed in the hands of the Chief Superintendent to secure the execution of the whole School Law. But a moment's examination will show the injustice and evil that would result from executing this provision of the Bill. Should *any* Township Superintendent fail to report to the County Council, or should

the Report from *any* Township be essentially defective, the School Report of the County Council (even supposing it had time, and were able and disposed to prepare such a Report,) could not be satisfactory, in consequence of which every Township in that County would be liable to lose its apportionment—as the Bill does not authorize the Chief Superintendent to apportion School money to, or withhold it from, *Townships* but *Counties*. Or, suppose a County Council was not to meet between the time of making the Township School Reports, and that required for forwarding the County School Reports, and making the Annual Apportionment of School moneys; or suppose the County Clerk should neglect or fail to prepare and transmit the County School Report within the period referred to, then every Township in such County would be deprived of its apportionment of School money, though every Township may have fully complied with the provisions of the Law! It is perfectly clear, therefore, that such a provision of the Bill would be nugatory, or that the execution of it would be unjust and injurious, unless in the utterly improbable case of *all* the Townships of a County having severally forfeited their right to the School apportionment.

7. I remark once more on the general provisions of this Bill, that, under their operations, Teachers will be liable to the loss of from twenty-five to forty per cent. of the School Fund intended for their support. This Bill provides that the School apportionment to each County shall be paid to the County Treasurer; and such Treasurer is usually entitled to *four per cent.* of all moneys which pass through his hands. In the next place the County Council is authorized to deduct *twenty-five per cent.* of the whole apportionment, to form a fund under its own controul for "such School Sections as may not, without special assistance, be able to establish and maintain Schools;" and it is very well known that such Municipal Body is anxious to acquire the controul of all the money which it can obtain, and each County Council will be urged to abstract as large a portion of the School apportionment as possible, by those members who hope by that means to enhance the appropriations to the Townships which they represent. The amount thus abstracted from the School apportionment will not only reduce the amount distributed to each Township, but reduce in the same ratio the amount which each Township is obliged to raise by assessment. Then it is furthermore provided, that the salary of the Township Superintendent may be provided for by paying him a per centage of the moneys passing through his hands. Thus the per centage of the County Treasurer, the per centage for poor School Sections, and the per centage for the Township Superintendent's salary, may all be deducted from the *School Fund*—reducing in a corresponding ratio the amount paid for the salaries of Teachers. Now, the present law provides that the *whole* of the *School Fund*—that is, the Legislative Grant, and a sum *equal* to it raised by assessment—must be paid to Teachers; so that the salaries of Superintendents and all other contingent expenses attending the collection and payment of School moneys, must be provided for over and above the amount equal to the Legislative Grant apportioned to any Township or District. Thus the School Fund is not taxed or lessened a six-pence by the entire administration of the School Law.

It is also to be remarked, that to select "such School Sections as may not without special assistance be able to establish and maintain Schools," requires the most minute knowledge of the circumstances and character of the great majority of the people in all the Sections concerned—a knowledge which five Councillors in each Township may be supposed to possess in a five-fold greater degree than one, and therefore the Township Council may be fairly considered five times as competent to decide on such delicate and difficult matters of individual and social want within its own jurisdiction as a County Council. Nor is there any provision in the Bill to enable a County Council to know even the School Section divisions of a Township; and it cannot be supposed the Townreeve can recollect them all and be intimately conversant with the peculiarities of each.

The *Thirty-sixth* Section of the present Act authoriz s the expenditure of £200 per annum in aid of Schools in new Townships not otherwise provided for. Not one-half of this sum has been expended or applied for in any one year. In my communication of the 14th of October last, I showed how other poor School Sections have been provided for; and should any further means for that purpose be desired at the discretion of each Municipal Council, such Council has ample power to provide them. The School Act authorizes any Council to raise as large an amount as it pleases for Common School purposes. I have never insisted, as the Common School Fund, upon a larger sum, in each District or Township, than that apportioned out of the Legislative Grant. Any sum over and above that amount which a Council may think proper to raise, may, (as has been done by some Councils) be applied in such a manner to the relief of any otherwise unprovided for poor School Sections within its jurisdiction, at the pleasure of each Council. Each Council has also authority to alter, enlarge, or unite School Sections at its discretion: the Municipal Corporations' Bill provides for uniting thinly settled Townships with more populous Townships; and thus may the wants of every poor School Section be supplied without deducting any thing from the School Fund, without creating any distinct class of Pauper Sections, or placing them under any other regulations than those which apply to School Sections generally.

Having made these general remarks on the provisions of the new School Bill, I will now advert to some of the provisions in detail. It is not possible for me, within any tolerable limits, to notice them all; nor do I think it necessary after the foregoing observations.

First and Second Sections. No provision is made for a second Clerk in the Education Office for Upper Canada, as is made for that of Lower Canada, and as the Governor-General, in Council, was pleased to sanction in a letter from the Provincial Secretary, dated the 19th of January, 1849. And the omission and repeal of the authority given in the *fifth* and *seventh* clauses of the *Second Section* of the present School Act, (which authority in both respects is possessd by the Superintendent of Schools for the State of New York in a much higher degree) destroys the means by which the Chief Superintendent has been most successful in promoting the efficiency of the School Law and of the Normal School to a degree which, I could demonstrate, were it necessary, would not have been otherwise attained. But reference will be made to this subject in another place. I have already adverted to the fact that the Bill provides the Chief Superintendent with no means of executing the *third* and *fifth* clauses of the *Second* Section.

Fourth and Fifth Sections. Loss to the School Fund—needlessly troublesome and expensive.

Sixth, Seventh, Eighth and Ninth Sections. Objectionableness and inefficiency already shown; involving much useless labour and expense, and occasioning many complaints and disputes.

Tenth Section. Proviso most objectionable, and never applied to the individuals who compose a majority on money questions in the Legislative Assembly, or in any *Corporation*, as each Municipal Council is made ar d regarded.

Eleventh Section. Unnecessary.

Twelfth Section. A Superintendent ought to visit each School at least *twice* a year; but to oblige him to examine each School *publicly* is contrary to all regulations and usages in all states and countries of Common Schools. The *third* clause of this Section is still more at variance with the very object of inspecting Schools, as well as the reverse of all instructions to School Inspectors on that subject, in England, Ireland, and every other country where a thorough system of School inspection exists. The primary objects of inspecting a School are, to enable the Superintendent to acquaint himself with the real state and character of the School—the condition of the School-house—the discipline of the School—the habits of the Teacher, his mode of teaching, the studies and attainments and progress of the pupils, and to point out to the Teacher what is defective, and suggest to him what is necessary for his greatest success and usefulness. In order to this, two things are necessary. There should not be previous notice of such visit, or special preparations may be made for it, by inefficient Teachers, in the appearance and order of the house, the attendance of pupils, etc. and then the Superintendent cannot form an idea of the ordinary state and character of the School. Secondly, there ought to be the freedom of privacy. It would be injurious to the Teacher and to the School, for the Superintendent, by examinations, inquiries and remarks, *publicly* to elicit the defects of a Teacher or his mode of conducting his School. There is a wide difference in the objects and character of an *Inspector's visit* to a School, and a *Quarterly*, or *Yearly Public* Examination of such School. The latter is a show day; the former is a day of rigid investigation, of reproof, of council and encouragement, as may seem expedient. The subject of the mode and objects of inspecting Schools, and the utter impropriety of giving previous public notice of such inspection, has been ably treated by the Head Master of the Provincial Normal School, in the Upper Canada Journal of Education for May, 1848, pages 129-135. In most parts of the country, the giving of the proposed three days' notice to the Teacher would be attended with great inconvenience on the part of the Superintendent; and his failing to do so (as it would necessarily happen in many cases) would give rise to complaints and dissatisfaction on the part of Teachers. I am aware that it is useful to assemble the Trustees and supporters of the School betimes; but such are the objects of the Superintendent's Lectures and the Quarterly Examinations. There *may be instances* in ordinary visits of inspection, in which it would be agreeable to all parties and useful for Trustees and parents to be present; but I think all such matters of detail, as to modes of proceeding, and where variety is admissible, in some cases, to leave them to individual discretion and general instructions. Legislation on every detail of modes of procedure swells the law to an undue length, embarrasses action and gives birth to endless disputes. This remark applies to much that is contained in the several clauses of this Section. A County instead of a Provincial Board of Education to recommend School Books, has been sufficiently noticed. The *fourth* and *sixth* clauses of this Section supposes much power in the hands of the Township Superintendent: but other provisions show that he possesses no power whatever to execute what these clauses require him to do.

The *seventh*, *eighth* and *ninth* clauses of this Section abolish a Provincial System of applying School moneys, and annul the existing conditions for the payment of such moneys. And even the hitherto and, in all countries where Public School Systems are established, the indispensable condition of keeping a School in operation during a prescribed period of the year, by a *legally qualified* Teacher, is set aside,—the only means by which the School Fund can be secured from abuse and waste, and a most important means of elevating the standard and character of Common Schools. The last part of the *seventh* clause is anomalous; and the last part of the *ninth* clause is incompatible with the *third* clause of the *Second Section.* The making of two copies of the Township School Report, as required by the *tenth* clause, has been remarked upon. The *contents* of such Report as enumerated in the several divisions of this clause, are the same as those now required by law and as have been provided for by the blank forms of Reports which the Chief Superintendent has furnished to all local Superintendents.

Twelfth (Thirteenth) Section. The penalty for delaying to report by withholding the School money from a Township until the transmission of such Report, is of no avail to secure its transmission by the 1st of March, since the School money is not payable by the Bill until two months afterwards; and the *ten pounds* penalty could be collected by the Town Clerk, on the Townreeve, much more promptly than by the method proposed.

Thirteenth Section. A *statement* by the Township Superintendent to the Town Clerk of his receipts and expenditures of School moneys, is not sufficient. Appointed auditors should examine his accounts, and a voucher should be required for every expenditure reported. No provision is made for the application of the forfeit of twenty-five pounds imposed by this Section.

Fourteenth Section. The notices and reports required by this Section are troublesome and, for the most part, useless, and often impracticable, as the Councils are not generally likely to meet within the periods during which the required notices are to be given them. To give such notices at the next ensuing meeting after the occurrences referred to, seems to be quite sufficient.

Fifteenth Section. The payment of the Township Superintendent's *per centage* out of the *School Fund* has been sufficiently noticed.

Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth and Twenty-first Sections are substantially transcripts of the corresponding sections of the present Act; but the *Proviso* of the *Twenty-first* Section involves great injustice and will be productive of disputes without number. It supposes an individual denuded of the power and resources of office in a *corporation*, yet individually subject, at the pleasure of another, to the obligations which were contracted while he was a member of such corporation!

Twenty-second to Twenty-eighth Sections inclusive, are transcribed and adapted from the present Act, except the latter part of the *Twenty-sixth* Section which requires a *duplicate* copy of each Trustee election meeting to be made—the one to be posted for the information of those who are supposed and ought to be present at such meeting, and the other to be sent to the Township Clerk, but which ought to be sent to the Township Superintendent, who should have a list of the names of all the Trustees of his Township in his possession in order to judge of the orders for School moneys presented to him.

Twenty-ninth Section. The *first* clause of this Section requires Trustees "to receive the moneys from whatever source derived;" while other provisions of the Bill require the Township Superintendents to pay the *whole School Fund*, not to *Trustees*, but (as it ought to be, and as the present law

requires) to *Teachers*, on the orders of Trustees. The *second* clause and the first part of the *third* are copied from the present Act; but the restrictive condition imposed upon the Council may be made the occasion of much wrangling and embarrassment, and can do no good, as no Council would desire to impose an unnecessary assessment for the purchase or erection of a School house. A great part of the *fourth* and *fifth* clauses is, I am satisfied from much inquiry, liable to the same objection. The *sixth, seventh, eighth, ninth, tenth* and *eleventh* clauses, are substantially from the present Act. But in the latter part of the 3rd, 4th. and 6th divisions of the *eleventh* clause, extraordinary things are required to be embodied in the Trustees' Reports, *two copies* of *each* of which are enjoined to be made. It is required that not only the *number* of the children of School age in each Section shall be reported, but "the *names* of the *parents* or others with whom such children reside, and the number of children residing with each"—a requirement which will double the length and trouble of Trustees' Reports, and which appears to me to be without any necessity or value. The Trustees are also required to report the *name* of each pupil over sixteen years of age attending their School and the *number* of *days* he may have attended, and the *month* or *months* in which those days were—another troublesome and, in my opinion, wholly superfluous requirement. Trustees are likewise required to report the "number of such pupils as shall have distinguished themselves by good conduct and proficiency." Trustees may not have the information or be able to make the nice official discriminations between pupils, and may not be disinterested judges between the merits of their own and their neighbours' children; and the Teacher may not be willing or find it convenient to decide between the claims to distinction of the children of his employers. It is one of those little matters of detail which I think ought not to be made the subject of law, but left to local discretion.

Thirtieth Section. I have already remarked on the tedious and cumbrous provisions of this Section.

Thirty-first and *Thirty-second Sections.* The same as the present law.

Thirty-third Section. Transcribed from the Draft of Bill submitted by me in February, and I think ample to prevent fraud without the latter part of the 3rd division of the *eleventh* clause of the *Twenty-ninth* Section.

Thirty-fourth and *Thirty-fifth Sections.* Much in these Sections which will be found tedious, complicated and useless.

Thirty-sixth Section. The first part of this Section is necessary, and has been copied from the present Act; but the second part from the word "year" in the second line of the 19th page, to the end of the Section, will prove in many cases impracticable for a Council to administer, and a source of irregularity and dissatisfaction. The simple provision which is contained in the *Twelfth Section* of the Draft of Bill which I submitted in February, will meet the diversity of views which exist in different Districts on the principle of distributing the School Fund, and will ultimately secure the adoption of the best principle.

Thirty-seventh Section. No provision is made for assessment to procure *Libraries*, and the *Provisos* impose forms, conditions and restrictions which can do no good, and which will embarrass both Trustees and Councils. I think that Trustee and Council Corporations ought to be their own judges as to the mode or modes of providing for the support of their own Schools. Their own experience and interests will be a better guide than the hedges of legislative restrictions, in adopting the best methods of supporting their Schools.

Thirty-eighth Section. The first part of this Section is law now; but the addition of the second part from the colon in the ninth line of the 20th page, is another addition of needless and troublesome forms and requirements.

Thirty-ninth and *Fortieth Sections.* These Sections are unnecessary, as each Municipal Council has power to abolish, alter, enlarge, or unite School Sections at its discretion; and the Trustees can have as many Teachers and Departments in each School as they please, without any of the tedious forms and regulations here imposed, and without the unjust and most objectionable *Proviso* which concludes the *Fortieth* Section.

Forty-first Section. This Section to the word "belong" in the 24th line, is the same as the present law; but the *Proviso* adds another to those useless and cumbrous conditions and restrictions with which this Bill abounds, and which, I think, will be fruitful of litigation and injurious to the interests of Schools. The greater part of the disputes which have been brought under my own notice for the last three years have arisen from the possession of too little (and not too much) power by Council and Trustee Corporations, and by their being hedged around by too many forms and restrictions.

Forty-second and *Forty-third Sections* are copied from my Draft of Bill submitted in February, and are necessary.

Forty-fourth Section. Can do no harm, except from the space it may occupy in the *Statute* Book, as it will not be acted upon, and as it is unnecessary from the discretionary powers which are elsewhere given in respect to the formation of School Sections and the assistance of poor ones.

Forty-fifth, Forty-sixth and *Forty-seventh Sections.* All that is aimed at by these Sections has actually been accomplished under the provisions of the present Act, and may be accomplished at any time without the forms and *Provisos* here enjoined. They appear to me to be superfluous and cumbrous in connexion with existing provisions for both Grammar and Model Schools.

Forty-eighth Section. The prohibition of the appointment of any person as "Teacher of a *Grammar School* unless he shall have produced a certificate of qualifications signed by the Head Master of the Normal School for Upper Canada," is a very extraordinary provision, especially when it is considered that the Normal School is not a *Classical* School, that the Head Master is not Classical Professor, and when most of the candidates for teaching Grammar Schools are Graduates of the British or Canadian Universities.

Forty-ninth Section. This Section seems to be as anomalous as the preceding one. Should the Head Master of the Normal School be empowered to give a Provincial certificate of qualification to any applicant, he will have hundreds of applications each year; and he must either refuse to act and thus give applicants grounds of complaint, or he must devote a great part of his time to such applications. He cannot know the applicants; nor indeed does the Section require

him to inquire into or even know their *moral* character. Besides, the Head Master confines his teaching to the departments of Language, Geography and History, the departments of Mathematics, Chemistry and Natural Philosophy being taught by the Mathematical Master, who ought certainly to be associated with the Head Master in giving *Provincial* certificates. Besides, this Section proposes to invest the Head Master of the Normal School with an *irresponsible* exclusive power of giving and cancelling *Provincial* certificates of qualification to Teachers—a power which, upon the principles of responsible government, should only be exercised by a responsible Provincial officer. The Head Master of the Normal School is not an officer of the *Government*, but of the Board of Education; but it is proposed to invest him with an absolute power, alike independent of the Board and of the Government. It is also submitted, whether such certificates emanating from the Normal School ought not to be limited to *Students* of that School, whose characters and aptitude to teach, as well as attainments, are known to the authorities of the School? In the Seventeenth Section of the Draft of Bill which I submitted on the 13th of February, it was proposed to make it "lawful for the Chief Superintendent of Schools. by and with the advice and recommendation of the Masters of the Normal School for Upper Canada, to give a certificate of qualification as a Teacher of Common Schools in any District in Upper Canada: Provided, that no such certificate of qualifications shall be given to any persons who shall not have been a Student in said Normal School for a period of not less than five months. And provided also, that every person to whom such certificate of qualifications is given, shall be entitled to all the privileges and advantages, and subject to all the obligations and responsibilities, of a legally qualified Teacher in any part of Upper Canada until his certificate of qualification shall have been cancelled." The known hostility of the author of the Bill under consideration, to the Chief Superintendent of Schools, doubtless prevented his adoption of the Section which I have quoted, and induced him to prepare a characteristic substitute; but I submit which Section is most in harmony with the fitness of things and our system of government? I remark, that, in the State of New York, the Chief Superintendent has all the authority which the Forty-ninth Section of this Bill proposes to give to the Head Master of the Normal School, but which I have never recommended to be given to the Superintendent of Schools for Upper Canada.

Fiftieth, Fifty-first, Fifty-second, and Fifty-third Sections. In the *Twenty-fifth Section* of the Draft of Bill which I submitted in February, I recommended the appointment of a County Board of Examiners; but I am satisfied that these Sections of the new Bill will operate very injuriously, for reasons which I have stated in my general remarks. There is no provision made to defray the expenses of these Boards.

Fifty-fourth Section. This is a provison of the present law.

Fifty-fifth, Fifty-sixth, Fifty-seventh, and Fifty-eighth Sections change the whole character of the constitution of the Normal School, and entirely subvert the system of management by which that Institution has been established and matured, at so small an expense, to its present state of acknowledged efficiency. Had the author of this Bill ever even seen a Normal School, and examined into its constitution and mode of management, he would not have framed these Sections as he has. I could show, were it needful, that the operations of these Sections would entail a loss upon the Normal School Fund of from £100 to £200 per annum. At any expense it might indeed gratify the feelings of the author of this Bill to sever the Chief Superintendent from the general oversight of an Institution which he has originated, and so anxiously endeavoured to perfect as far as possible; but in attempting to do so, the author of the Bill departs from all precedent. In Dublin a Commissioner has been paid £1,000 sterling per annum to take the general oversight of the Normal and Model Schools. In the State of New York the law provides that "the Normal School shall be under the *management of the State Superintendent of Common Schools and* the Regents of the University." So that not even a committee of management can be appointed, or an officer selected, or a dollar expended, or a regulation made, without the separate and distinct sanction of the State Superintendent—a power which I have never proposed to give to the Chief Superintendent in respect to the Normal School for Upper Canada. But it is necessary that there should be some *responsible* link of connexion between such an establishment and the Government on the one hand, and an every day practical connexion between the Board and all connected with the Normal School on the other, either through the Chief Superintendent, or his confidential assistant and representative when absent. The extent and importance of that connexion even in the various supplies and expenditures of the Normal School can only be conceived by persons conversant with the operations of such Institutions. I shall only add on this point, that I have heard the opinions of all the Members of the Board of Education, except one, on these Sections of the Bill, and their opinions are in perfect harmony with the views which I have expressed.

Fifty-ninth Section. The same as the present law.

Sixtieth Section. Appropriating £1,000 per annum to facilitate the attendance of Students at the Normal School, is the *Fifteenth Section* of my Draft of Bill submitted in February; but I think the subject of the *Proviso* may and ought, (as it is in New York,) to be left to the experience and judgment of the Board of Education.

Sixty-first Section. The objects of this Section can be better attained by a Circular letter of instructions from the Provincial Secretary specifying the *subjects* and *forms* of such Reports.

Sixty-second Section. Copied from my Draft of Bill, as also the

Sixty-third Section. Providing for the establishment of School Libraries; but the essential *Proviso* which I added is *omitted*—namely, that "no aid shall be given towards the establishment and support of any Common School Library without *an equal amount being contributed and expended from local sources for the same object.*"

Sixty-fourth, Sixty-fifth, Sixty-sixth and *Sixty-seventh Sections.* Substantially the same as submitted in my Draft of Bill in Feb., but confusedly expressed and requiring tedious forms.

Sixty-eighth Section. On the troublesome and imperfect system of *County Councils* making Annual School Reports; and of requiring *duplicate* Township and Trustee School Reports, I have already remarked.

Sixty-ninth Section. Copied from my Draft of Bill submitted in February.

Seventieth and *Seventy-first Sections.* Needless.

Seventy-second Section. The present law.

Seventy-third Section. Would on the 1st of January, 1850, leave all Upper Canada without a single legally qualified Common School Teacher, and would cause an immense deal of trouble and numerous disputes.

Seventy-fourth Section. Providing for the establishment of a Provincial School of Art and Design, copied from my Draft of Bill submitted in February.

Seventy-fifth Section. Is the reverse of every provision for law decisions on Common School matters in the neighbouring States and other Countries—does away with all governmental power to enforce the provisions of the School Act, and subordinates the instructions and decisions of the Chief Superintendent and of even the Governor General, in Council, to the "final decision" of each local Council.

Seventy-sixth Section. The same as the present law.

Seventy-seventh and last Section. Repeals all former Schools Laws.

Having thus noticed the several provisions as well as general features of this Bill, I now submit to the Governor-General in Council, that nearly every Section of it which is not contained either in the present Act or in the Draft of Bill which I submitted in February, is obviously theoretical, cumbrous, intricate, expensive and inefficient. I would respectfully submit, what advantage will be gained by exchanging the present School Act for one more than twice as long in words, which has twice as much machinery, more numerous forms, little or no arrangement of subjects, and no harmony of parts?

In addition to what has been heretofore stated, and what is here intimated, I remark that to pass the new Bill will break up the now settled succession of School Trustees, and introduce at the beginning of the next year all the derangements of School contracts, the disputes and evils which formerly attended the entire changes of School Corporations, by the election of three Trustees instead of one at the first annual meeting.

It will involve the expense of printing and distributing (almost entirely by Post) of from 5,000 to 7,000 copies of this voluminous Bill, to supply Superintendents, Councils, Trustees and Teachers throughout Upper Canada; and it will require the preparation, printing and distributing of a corresponding number of new Forms and Regulations. The expense of printing the Acts, Forms and Regulations will considerably exceed £100, and the distribution of them by Post to the various Townships will amount to a considerable sum.

It will render a tour of the Province on the part of the Chief Superintendent necessary to prepare properly for a law so unusual and multitudinous in its provisions and forms; and it will throw back the whole system of School operations and interests at least one year. I hereto annex a Statistical Abstract* showing the results of the operations of the present School Act since 1846—the year of transition from the late to the present School Act; and although every means was employed by explanatory Circulars, printed Forms for Meetings, Reports, etc., to render the transition from one law to the other as easy and agreeable as possible, yet the returns for 1846 exhibit a considerable falling off as compared with those of the preceding year; while the *increase* from that time to this, in every department of local effort and co-operation, and in every municipality of Upper Canada, except the *City of Toronto*, is marked and gratifying.

The introduction of a new School Law must also defer the establishment of Common School Libraries for another year, as it would be useless to attempt doing more than get the people to understand and work a new School Act in ordinary Schools matters during the first year of its operations.

And it strikes me as very inconvenient and inopportune to introduce an entirely new School Law at the very moment the people are learning to work entirely new Municipal Institutions—the agencies for working the School Law.

On the other hand, if the present School Act, with the removal of its proved obscurities and defects, be allowed to remain and be simply adapted to the contemplated Township Municipalities, not a single new regulation, or form, or copy of the Act, will be required to be prepared or printed during the current year, as all the local School Authorities are supplied with them. No further explanations of the provisions of the School Law will be required, as the people are now familiar with them, by means of my last Provincial tour, the *Journal of Education* and practical experience; and the labour and addresses of the Chief Superintendent during a Tour of the Province, the latter part of the current year, can be devoted to the direct practical work of improving the Schools and School houses, and the great work of establishing School Libraries.

In my observations and conversations with all classes of School officers, I have found that the felt defects in the present School Act consist chiefly in the too limited powers of Trustees and Municipal Councils.—In the Draft of School Bill which I submitted in my communication of the 13th of February, I devoted the first six Sections to remedy the defects of the present School Law in respect to *Trustees* in both Cities and Towns, as well as in rural Districts; in the next four Sections I provided remedies for similar defects in respect to Municipal Councils. Then having provided for a more effective and systematic method of examining and classifying Teachers, I submitted the provisions requisite for the Normal School, School of Art and Design, and Common School Libraries. Then, in six short Sections, I provided for the adaptation of the whole School Law to the contemplated Township and Town Councils—placing them in all respects as I think they should be, in the stead of the present District Councils.

I submit, therefore, whether it is not better, at present, to pass the short Bill which I submitted in February, (with the requisite explanation of the design and connection of the several clauses;) and then when the new Municipal Institutions shall have been tested, and the workings of them understood and appreciated, let a thorough and sifting inquiry be made into the working of every part of the School system—let that inquiry be made by competent and candid individuals, and let a clear, comprehensive, methodically arranged School Law be prepared, such as will be worthy of any Government, and adapted to the then developed Municipal Institutions of the country.

The *mode* of paying the Legislative Grant to the local Superintendents, should, I think, be left, as has always been, *to the discretion and convenience of the Government;* and I shall be prepared, in due time,

* See Report for 1848, pages 26-29, and Appendix No. 1 and 2.

to submit to the Inspector General a method of paying the Legislative School Grant to Township and Town Superintendents, less troublesome to the Government, and more advantageous to the Public Treasury and to the efficiency of the School System, than that which has been adopted in the mode of paying it to District Superintendents, and much more convenient and economical than that which is provided for in the new Bill which I have remarked upon.

In the annexed Appendix, the Statistical Tables, (Nos. 1 and 2,) will show what has been done under the present School Law, with its acknowledged defects, in respect to the attendance of pupils, the visits which have been made, and the resources provided by local voluntary co-operation for the support of Schools, apart from the erection of numerous School houses, the establishment and success of the Normal School, and the introduction of an uniform and valuable series of Text Books into about two-thirds of all the Common Schools in Upper Canada—and all this within a period of less than three years, and under circumstances peculiarly disadvantageous. I submit whether such a law should be supplanted by a hastily and loosely concocted Bill, and whether such labors should be thrown to the winds, and the foundation of the School System broken up, without investigation and inquiry.

A strong conviction of duty, and the great importance and variety of the topics to which I have referred, are my apology for the length of this communication.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed,) E. RYERSON.

The Honourable
James Leslie,
Secretary of the Province,
Montreal.

APPENDIX.

STATISTICAL TABLE, No. 1,

Exhibiting the results of the operations of the present School Law for Upper Canada, 9th Vict., cap. 20, since its introduction in 1846–47.

THE DISTRICTS IN UPPER CANADA.	SCHOOLS IN OPERATION DURING THE YEARS			ASSESSMENTS IMPOSED BY MUNICIPAL AUTHORITY FOR COMMON SCHOOL PURPOSES DURING THE YEARS			RATE-BILLS IMPOSED BY TRUSTEES FOR THE PAYMENT OF TEACHERS' SALARIES DURING THE YEARS			GROSS AMOUNT AVAILABLE FOR THE SALARIES OF COMMON SCHOOL TEACHERS IN UPPER CANADA FOR THE YEARS			NUMBER OF PUPILS ATTENDING THE COMMON SCHOOLS OF UP. ER CANADA DURING THE YEARS		
	1846.	1847.	1848.	1846.	1847.	1848.	1846.	1847.	1848.	1846.	1847.	1848.	1846.	1847.	1848.
	No.	No.	No.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	No.	No.	No.
Eastern,	186	178	165	1,448 14 8¼	1,276 13 3	1,112 11 11	1,650 12 3¾	2,036 3 2½	1,656 14 3½	4,086 9 1½	4,444 17 9¼	4,685 3 8	6,507	7,332	6,772
Ottawa,	45	37	43	432 10 8⅛	291 7 1	450 19 10¼	195 8 5	466 13 1¼	479 9 6	862 19 10¼	1,016 0 7¼	1,223 11 1	1,498	1,537	1,585
Johnstown,	226	198	205	1,571 5 4	1,600 0 0	1,673 12 11	1,520 11 3¾	2,169 3 0	2,216 4 7	4,505 11 7	5,152 7 4	5,362 8 4½	7,867	8,869	9,400
Bathurst,	98	120	120	1,099 1 4	1,034 18 10½	1,040 3 0½	848 15 2½	1,509 1 6½	2,671 19 3	2,507 6 3	2,721 1 9	4,452 2 3¾	3,818	4,662	4,928
Dalhousie,	101	61	76	0 0 0*	580 5 2	0 0 0*	2,261 10 0	635 18 6	1,857 17 8†	2,818 9 9	2,187 8 5	1,716 7 7†	1,824	3,968	3,519†
Midland,	176	175	182	1,261 11 9	1,416 12 8	1,476 10 5	1,126 1 1	1,763 13 9	1,747 13 10	3,747 8 7	4,514 8 10	4,759 2 5	6,956	7,862	7,534
Prince Edward,	101	98	97	607 8 10½	550 7 2¾	829 19 3½	1,128 12 5¼	1,320 3 1	936 0 0½	2,336 18 7	1,994 15 3¾	2,366 17 3½	4,087	4,117	4,550
Victoria,	94	103	113	623 17 7	672 11 5½	760 13 8½	491 9 7	931 6 0¼	923 11 0	1,267 2 4	2,324 19 4	2,788 0 8	3,198	4,128	4,689
Newcastle,	169	171	193	1,694 17 0	1,484 9 9¾	1,376 4 8½	2,336 1 6	3,124 13 8½	3,515 19 9½	5,137 0 3¼	6,005 1 4	6,452 0 6	6,880	8,176	9,227
Home,	289	316	316	3,377 11 11½	3,219 6 8	2,961 3 6	4,889 0 5¼	5,321 14 4½	4,757 11 7½	10.890 17 4	11,579 9 4½	11,034 3 9	13,781	15,662	16,190
Simcoe,	77	83	90	660 10 2¾	630 5 0	717 11 2	733 14 2¼	1,004 15 6¼	1,172 3 2	1,801 4 11¾	2,216 14 11¾	2,758 0 5	2,920	3,827	4.035
Gore,	186	200	191	1,935 16 6	1,937 16 6	1,898 17 7	3,730 5 5¾	3.982 17 9	4,438 9 7¼	7,099 9 1¼	7,401 18 4½	8,179 18 8½	8,610	9,956	10,842
Colborne,	61	73	87	660 19 11	660 19 11	769 11 4	184 13 1	683 15 11½	500 10 6‡	877 19 9¾	1,306 14 5	1,734 6 1	2,237	3,497	2,995‡
Niagara,	179	183	184	1,580 17 6½	2,009 0 0	2,191 19 9	2,173 15 0	2,785 15 10¾	2,705 10 11¼	4,875 19 10½	6,037 14 0	6,537 3 9¼	7,563	8,960	10,449
Talbot,	93	109	91	793 6 2¾	823 13 10	892 7 7	566 8 5½	974 5 9	877 5 7	2,029 5 6¾	2,448 10 3½	2,592 16 2	3,445	4,079	4,533
Brock,	145	148	136	864 15 10½	858 14 3½	794 8 5	1,299 18 1¾	1,677 16 1½	1,849 5 11	2,878 3 4¾	3,298 11 11¼	3,589 11 10	4,589	5,645	5,875
Wellington,	93	104	105	1,040 0 0	864 10 3	1,317 0 0	1,052 6 2½	1,625 18 2½	1,605 4 3½	3,073 6 6¼	2,983 11 5	3,501 10 4½	4,656	5,646	6,047
London,	193	195	206	1,555 4 8¼	1,553 16 2½	1,635 10 10	2,329 18 8½	1,798 2 9	2,620 2 7	5,117 7 0¼	4,955 12 2½	5,797 3 9	8,224	9,459	9,371
Huron,	38	41	53	236 3 7¼	571 4 7¼	723 2 7½	352 3 3	441 19 1½	412 15 3½	810 8 4¼	1,298 10 6¼	1,752 12 7¼	1,498	1,986	2,535
Western,	57	134	149	1,270 15 1¾	998 9 10¼	1,031 16 0	524 7 5¾	1,659 10 3	1,561 11 9	1,183 10 9¾	3,711 3 1¾	4,199 4 3	1,754	5,461	5,663
Grand Total	2,589	2,727	2,800	22,715 8 11⅛	22,955 2 8	23,654 4 7¾	29,385 12 3¾	35,913 7 7¾	37,968 10 7½	67,906 19 1¾	77,599 11 4½	86,069 2 3¼	101,912	124,829	130,739

Number of Schools in operation during the year 1846, ... 2,589
Number of Schools in operation during the year 1847, ... 2,727
Number of Schools in operation during the year 1848, ... 2,800

Number of Pupils in 1846 101,912
Number of Pupils in 1847 124,829
Number of Pupils in 1848 130,739

Gross amount available for the Salaries of Teachers in U.C., in 1846... £67,906 19 1¾
Gross amount available for the Salaries of Teachers in U.C., in 1847... 77,599 11 4½
Gross amount available for the Salaries of Teachers in U.C., in 1848... 86,069 2 3¼

* Included in Rate-Bill column.

† An approximation : no Report having been received from Bytown for 1848.

‡ Defective Report.

STATISTICAL TABLE, (*continued,*) No. 2.

Exhibiting the results of the operations of the present School Law for Upper Canada, 9th Vict., cap. 20, since its introduction in 1846-47.

THE DISTRICTS IN UPPER CANADA.	SCHOOL VISITS IN 1847.						SCHOOLS IN 1847-1848.*		SCHOOL VISITS IN 1848.						SCHOOLS IN 1848.*	BOOKS RECOMMENDED BY BOARD OF EDUCATION FOR UPPER CANADA, USED IN THE COMMON SCHOOLS IN 1847 AND 1848.											
	By Superintendents of Common Schools.	By Clergymen.	By Councillors.	By Magistrates.	Other Visits.	Total Visits.	Number of Schools in operation in 1847.	Number of Schools in operation in 1848.	By Superintendents of Common Schools.	By Clergymen.	By Councillors.	By Magistrates.	Other Visits.	Total Visits.	Number of Schools in operation in 1848.	Bibles and Testaments in 1847.	Bibles and Testaments in 1848.	National Readers in 1847.	National Readers in 1848.	National Arithmetic in 1847.	National Arithmetic in 1848.	Lennie's E. Grammar in 1847.	Lennie's E. Grammar in 1848.	Kirkham's E. Grammar in 1847.	Kirkham's E. Grammar in 1848.	National Geography in 1847.	National Geography in 1848.	Morse's Geography in 1847.	Morse's Geography in 1848.
Eastern,	195	88	51	61	399	814	178	165	120	172	41	76	369	778	165	99	96	77	110	39	59	59	82	13	11	17	14	16	20
Ottawa,	24	18	17	25	53	137	37	43	64	25	21	33	112	255	43	34	16	17	28	9	10	17	26	2	0	2	4	6	12
Johnstown,	245	165	65	136	473	1,084	198	205	240	179	93	195	561	1,268	205	147	118	99	133	55	69	30	40	73	78	16	14	66	102
Bathurst,	101	67	43	67	211	489	120	120	212	120	27	56	318	733	120	107	87	101	100	51	56	58	61	0	3	39	12	9	23
Dalhousie,	79	80	106	92	124	491	61	76	90	85	104	92	131	502	76	41	67	15	40	3	4	6	21	3	0	4	7	2	3
Midland,	332	93	48	90	129	692	175	182	292	70	12	35	237	646	182	129	139	120	152	47	12	17	30	79	130	33	15	81	110
Prince Edward,	151	49	5	27	237	469	98	97	174	48	10	28	226	486	97	67	91	59	83	28	20	30	32	24	51	0	0	42	56
Victoria,	90	46	14	52	272	475	103	113	95	78	9	37	317	536	113	63	43	62	91	54	91	11	4	45	50	2	3	35	39
Newcastle,	119	116	28	66	363	692	171	193	175	204	39	84	502	1,004	193	148	139	89	66	45	30	46	63	65	74	44	6	29	42
Home,	198	136	74	78	561	1,047	314	316	198	257	89	102	662	1,308	316	217	233	65	122	30	39	79	122	54	44	18	18	61	84
Colborne,	78	41	27	33	173	352	73	87	20	58	39	37	167	321	87	47	30	2	29	0	10	7	30	1	15	2	8	2	10
Simcoe,	77	97	40	46	138	398	83	90	86	95	23	47	215	466	90	42	78	38	70	17	36	26	29	4	5	2	5	7	15
Gore,	210	188	47	68	379	892	200	191	277	217	39	58	469	1,160	191	96	136	115	156	65	71	96	131	48	48	18	13	41	83
Niagara,	188	124	86	118	484	1,100	183	184	196	193	128	162	741	1,430	184	115	98	58	95	24	49	35	32	86	75	1	3	89	115
Talbot,	91	31	20	43	141	326	109	91	98	53	22	60	257	490	91	72	56	67	60	0	15	29	15	27	70	0	8	27	39
Brock,	113	59	40	34	172	418	148	136	109	59	40	22	64	296	136	67	64	61	101	15	5	19	31	54	70	3	4	30	65
Wellington,	82	82	28	39	170	402	104	105	91	118	32	40	219	500	105	69	81	41	72	23	38	32	38	5	7	9	7	6	16
London,	94	201	31	47	250	623	195	206	215	65	33	199	316	828	206	90	134	131	144	53	55	76	81	43	51	5	13	82	106
Huron,	59	34	61	32	56	242	41	53	38	46	95	30	164	373	53	29	48	20	36	19	21	14	27	0	1	3	7	5	4
Western,	23	108	51	49	433	664	134	149	125	112	63	66	301	667	149	73	32	80	143	38	75	30	12	23	18	12	12	15	16
Grand total,	2,549	1,823	882	1,203	5,218	11,675	2,727	2,800	2,815	2,254	959	1,459	6,348	13,835	2,800	1,752	1,776	1,317	1,831	615	756	717	907	649	801	230	173	651	960

Total School Visits reported in 1846 5,925
Total School Visits reported in 1847 11,675
Total School Visits reported in 1848 13,835

N.B. The School Visits reported in 1846, are those of the District and Township Superintendents of Common Schools : no other persons in that year being legally authorized School Visitors. The official Visits of Clergymen, Councillors, Magistrates and others, are only reported for the years 1847 and 1848. Those for 1848 exhibit a very gratifying increase, and prove a very important additional agency in promoting and sustaining public interest in the Common Schools, and in encouraging both Teachers and Pupils in the discharge of their duties.

The Reports of Books used in the Common Schools of Upper Canada only extend to the years 1847 and 1848—no provision having been previously made to obtain any information on the subject. By comparing the total number of Schools in which each Book, recommended by the Board of Education, is used, with the total number of Schools in operation in each year, it will be seen that the introduction of those Books has been very general, and that they are now very extensively used throughout Upper Canada.

* Inserted as a standard by which to compare the operations of each year.

VI.

Acknowledgment of the foregoing Letter

(COPY.)

SECRETARY'S OFFICE,
Montreal, 14th May, 1849.

Sir,—I have the honour, by Command of the Governor-General, to acknowledge the receipt of your Remarks on the new School Bill; and to inform you that the subject will receive His Excellency's attention.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) J. LESLIE,
Secretary.

The Reverend
EGERTON RYERSON,
Superintendent of Schools, C. W.
Toronto, C. W.

No. VII.

COPY *of a Prefatory Note addressed to the Hon. Robert Baldwin, M. P. P., Attorney General, West, enclosing remarks on the character and tendency of the new School Act for Upper Canada, 12th Vict, ch. 83.*

TORONTO, 14th July, 1849.

Private.

My dear Sir,—I this day transmit to you, by Allen's Express, my promised remarks on the principles and provisions of the new School Bill. For a full exposition of the existing law, and of the improvements which I have proposed, and the reasons for them, I refer you to my official communications to the Provincial Secretary on the subject—the one dated the 14th of last October and the other the 23rd of February.

Though my remarks have extended to a great length, I could not well reduce them to narrower dimensions and give you a clear exposition of the questions referred to and my reasons for the views I entertain, and the course which I shall deem it my duty to pursue in the event of the new School Bill becoming the established law of the land. I have thought it my duty to express my sentiments and feelings unreservedly and fully. I have prepared my remarks in the form of an official communication. If, after examination and deliberation, you should concur in the general views which I have expressed, and feel it your duty to employ your official influence to maintain the great principles and features of the present Common School System, I desire my communication to be considered as private to yourself. But if you should arrive at a different conclusion, and determine upon the maintenance of the new Bill as the basis of our future Common School System, I hope you will not object to my communication being considered as official, and proper to be officially referred to hereafter as containing a statement of the reasons for my retirement from office. Of course I shall be desirous, both on personal and public grounds, to know the result of your deliberations as soon as it will be convenient for you to state them.

Should you conclude to advise the suspension of the new School Bill until the next Session of the Legislature, or that Her Majesty should disallow it, I see no difficulty or inconvenience in the working of the present Act until the meeting of the Legislature, as all the Schools are supplied with Forms and copies of the Act. I am persuaded great confusion will attend the introduction of a new School and Municipal system at one and the same time.

When, in obedience to the commands of Lord Cathcart, I prepared the Draft of a School Bill and exposition of its principles and provisions in March, 1846, Mr. Draper (then Attorney-General) examined the measure, and carried it through the Legislature. I think if you had taken the subject in hand, the result would have been different. I can certainly see no identity or analogy between the qualifications of a Board of Works' Commissioner and a School Legislator. I hope you will feel it your duty to turn your attention to this great question of moral, intellectual, municipal and social economy, and assume the charge of it. In the order of Providence, the highest and most lasting intellectual and moral interests of Upper Canada appear to be placed in your hands.

In the mean time, after mature deliberation, I have thought it upon the whole advisable to prosecute my contemplated work, (as far as I may be enabled) for the next few months, as if no change in the School System had been intended. I will, therefore, as soon as I can, reduce to an official form and transmit for the consideration of the Governor-General, in Council, the proposal and measure I explained to you for the purpose of procuring and preparing the way for the introduction of Common School Libraries into the various Townships.

In the *Index* to the volume of the *Journal of Education* I have enclosed to you, you can ascertain the expositions which have been given of every part of our present Common School System.

The printing of my two last Annual School Reports has been completed since I was in Montreal, and they are in the hands of Mr. Lindsay, the Clerk of the Assembly. I refer you to my Report for 1847 for an exposition of the practical principles and working of the present system, and to my Report for 1848, not merely for an illustration of the progress of the work, but for the opinions of the Superintendents of several Districts as to the sentiments of intelligent people on the general provisions of the present law, especially those of the Niagara, Talbot and Brock Districts—each of them a decided supporter of the present Administration. I understand that painful feelings are experienced by the members of the Niagara District Reform Deputation who went to Montreal to present to Lord Elgin, in the former part of May, an address of approval of his administration, as they say that members of Government gave them an assurance that the School Bill then before the House would not be proceeded with during the Session.

But I have done on this subject. It is now for you to decide and act, and for Divine Providence to direct.

Yours very respectfully,
(Signed) E. RYERSON.

COPY *of a Letter addressed to the Honourable Robert Baldwin, M.P.P., Attorney-General, West, on the Character and Tendency of the New School Act for Upper Canada,* (*12th Vic., ch.* 83.)

EDUCATION OFFICE,
Toronto, 14th July, 1849.

SIR,—In accordance with the wishes which you expressed when I saw you the week before last in Montreal, I proceed to state in writing for your con-

sideration and that of your Colleagues, so far as you may think proper to lay this letter before them, circumstances connected with the new School Bill for Upper Canada, and the position in which it places the interests of our Common Schools.

I shall, in the first place, make a few remarks of a personal character, on the manner in which I have been treated in connection with the Bill and the School Law of Upper Canada. Lest, however, I should in any manner be misapprehended, I beg to state distinctly, that from yourself and Mr. Merritt and Mr. Hincks I have received all the courtesy which is due from one gentleman to another, and that I do not believe that either of you has intended or desired that I should be treated in any way differently from the Superintendent of Schools for Lower Canada. I have had chiefly to do with the Inspector General's Department, and I will here say, what I have stated on various occasions and before different parties, that I have found it a real pleasure to transact official business with Mr. Hincks, (as well as with his Deputy) from his courtesy, promptness, ready and clear apprehensions of the various financial matters it has been my duty from time to time to bring before him by personal interviews. Mr. Merritt has invariably treated me in a manner equally respectful and considerate; and I should do injustice to my own feelings, did I not acknowledge the same treatment on your part in the several interviews I have had with you on matters connected with my Department. When in Montreal the last week in April, I was assured by Messrs. Merritt and Hincks, that it was not the wish of the Government to interfere with my position or duties. After this spontaneous and apparently cordial assurance on the part of the President of the Council and the Inspector General, I felt that, in future at least, equal justice would be done to the Educational Department of Upper with that of Lower Canada; and I then expressed my readiness, in accordance with the suggestions of Messrs. Merritt and Hincks, to submit remarks and suggestions on the then pending School Bill for Upper Canada. The communication, of the 12th of May last, was the result. But it is painful to remark that that communication was not even read—though it related to a most important measure then before the Legislature, and to a subject involving the vital interests of the country, and to which I had devoted much attention for nearly twenty-five years, and my attention almost exclusively for the last four years, and a subject affecting interests on which I was at least entitled to a hearing. I think I am justified in saying my communication was not read; for you have assured me that you had not seen it; Mr. Merritt told me his engagements were such that he could not enter into the subject; Mr. Hincks had left for England before the question was decided; and Mr. Cameron, who introduced and carried through the new School Bill, told the Reverend Mr. Grasett, (Rector of St. James', Toronto,) two days after the passing of the Bill through Committee, that he (Mr. C.) had not read my communication respecting it.

I think it is greatly to be regretted, Sir, that you have not felt it as much your duty to give your attention to the subject of legislating on Common School, as well as on University Education. I do not believe you would knowingly be a party to that of which I have reason to complain; and I am confident you would not allow yourself to be uninformed on so grave a subject of legislation, or be influenced by personal hostility, or become the instrument of petty intrigue. I think the Public System of Education should be one from the Common School up to the University, such as I have explained in my "Report on a System of Public Elementary Instruction for Upper Canada," (pages 9, 153, 154); and when you have felt it your duty to assume the responsibility of the one, I do not see how you can consistently feel yourself relieved of all obligation to attend to the other. But to the comparative treatment of myself and my Department on this subject.

1. I remark, first, that the Report of the Superintendent of Schools for Lower Canada on the subject of the *School Law*, as well as the state of the Schools, was laid before the Legislature and the Public, while my Report on the same subject was withheld from both. Is this impartial? Is this fair? In Dr. Meilleur's Report for the year 1847, he connected his Report on the School *Law* with that on Schools. To the former subject he devoted upwards of eighty printed pages—discussing not only the principles of the law, but the various plans and proceedings of parties opposed to it; and he did so, in some parts of his Report, with considerable acrimony—pronouncing upon the merits and motives of the opponents of the law. His Report was not only laid before the Legislature, but printed in pamphlet form. I kept the two subjects separate. I made one Report on the state and progress of the Schools established under the law; I submitted another Report on the School Law itself,—explaining and illustrating by precedents and examples the parts to which exception had been taken, and suggesting amendments. I transmitted my Reports on both subjects in October last. Dr. Meilleur's remarks and suggestions for the amendment of the School Law of Lower Canada were in print and in the hands of Members of the Legislature and the Public, months before the late Session of the Provincial Parliament, while my remarks and suggestions for the amendment of the School Law of Upper Canada have been kept from Legislators and the Public until this day. I submit to your own sense of justice whether this is treating the School Departments of Upper and Lower Canada with equal fairness and impartiality? I submit whether such a course of proceeding is just to me or to the friends of the present School System in Upper Canada? I submit whether it is not taking an unfair advantage of me to my injury, and the injury of the system I have labored to establish?

2. I remark, secondly, that the School Law of Lower Canada was introduced and passed under the auspices of the late Administration; that Dr. Meilleur submitted Remarks and a Draft of Bill to remedy the defects in some of its details, maintaining the general principles of it inviolate. This amended Bill increases the already great powers of the Superintendent, and affords him various facilities for carrying out his system of Schools. The subject is formally introduced into the Speech from the Throne at the opening of the Session, and the amended Bill recommended by Dr. Meilleur, is adopted by the Legislature, and is now part of the School Law of Lower Canada. In Upper Canada, the present School Act was also introduced and passed under the auspices of the late Administration; I also submitted Remarks and a Draft of Bill to remedy its defects; and on the introduction of the new Municipal Bill, I submitted further Remarks and some additional Clauses to adapt the School System to the contemplated Municipal System. But no allusion was made to the subject in the Speech from the Throne at the opening of the Session. Some weeks after the opening of the Session, legislating on the subject at all was stated by yourself as a matter of uncertainty. At length, towards the close of the Session, a Bill is brought in, not to amend the existing Law, but to repeal it—to abolish all that had been done, and to introduce an essentially new system. Of the introduction of such a measure, no previous notice had been given; and not only had my remarks and suggestions on the subject of the School Law for Upper Canada been withheld from the Members of the Legislature, but I am not even permitted to see, much less to confer, on the provisions of the new Bill until it is brought before the Legislature as a Go-

vernment measure. And then, when, in the last week in April, at the request of the Board of Education, I proceed to Montreal in reference to some provisions of this Bill affecting the Normal School, the Member of the Government to whom this Bill is intrusted, refuses even to return my salutation when I meet him. I informed yourself, and Messrs. Merritt and Hincks, of this insult; and relying upon the justice and the fairness of the Government, as avowed by yourselves, I prepared the remarks and suggestions, dated 12th May, 1849, on the subject of the new Bill. Those remarks and suggestions, as I have already stated, were not even read,—the provision for the Normal School the current year, which had been decided upon by the Government as early as last November, and the omission of which I had, at the request of the Board of Education, pointed out, was not supplied; but certain clauses were introduced into the Bill, in Committee, at the last and confused hours of the Session, and without any previous notice whatever, affecting the whole character of my Department, my responsibilities and duties, to my embarrassment and injury. I confidently leave it to your own high sense of honour and justice to say, whether such a proceeding is such as would have been adopted in regard to the Superintendent of Schools for Lower Canada—whether it is fair to me—whether it is above board,—and whether it is not undignified and unjust between man and man.

3. I remark, thirdly, upon the difference in legislation in reference to the Departments of Common Schools for Upper and Lower Canada on financial matters.—[Private note from a third party omitted—as it ought not to be published without the consent of the writer of it. The note, however, contained nothing but some incidents connected with the passing of the Bill.]—According to the Division of the £50,000 Grant, based upon the last census, which I submitted to the Government last autumn, and which, after examining my figures and calculations, was concurred in and recommended by the Inspector General, I am entitled by law to a salary of £480 per annum. The new School Bill reduces it to £420—the amount I have received the last three years. As to the amount of my salary itself I have nothing to say. I have undertaken the duties of the office as a great public trust for the welfare of my native country; and while I am provided with the needful means of doing so—whether much or little—I feel myself bound to prosecute the vast work I have commenced, as long as I can do it consistently with personal honour and Christian principles. But I refer to the manner in which the question of my salary has been dealt with, as one indication of the animus of the Bill. I think it also worthy of notice, that the salary of the senior Clerk in the Education Office for Upper Canada is £175 per annum, and that of the junior Clerk is £60; but the new amended School Act for Lower Canada increases the salary of the senior Clerk in the Education Office for that section of the Province from £175 to £225 per annum, and that of the junior Clerk from £60 to £175. I leave the last two Annual Reports which have emanated from the two Offices to show in which of them the most work is done.

The Bill passing without any opposition, reminds me of the course which I felt it my duty to pursue on the subject in my intercourse with the Members of the Legislature during the week that I was in Montreal. I was asked, among others, by several Members of the Opposition, my opinion on the Bill. My reply was, I thought it would need some amendments; but I indicated no objections to the Bill, and I observed that the uniform impression was, that I was, as a matter of course, a party to the preparation of the Bill; and I am credibly informed that Mr. Cameron stated to a leading Member of the Opposition, that he (Mr. C.) had adopted my suggestions in reference to the Bill. At that moment of excitement, I dare say certain Members of the Opposition would have been glad to have obtained materials for a speech against the measure; but I felt myself in honour bound to confine my remarks, on the general character and provisions of the Bill, to Members of the Government. The only Member of the Legislature, besides yourself, Mr. Merritt and Mr. Hincks, with whom I conferred on the provisions of the Bill, (and of that I informed Mr. Merritt at the time) was Mr. Joseph C. Morrison, with whom I had acted as a Member of the Board of Education for nearly three years; with whom I had often conferred on the subject of the School Law, and who was known to be a decided supporter of the Government. I am informed that it is the general impression in the country that I have not only concurred, but assisted in the preparation of the Bill—though I was not even granted an opportunity to express my views personally on its provisions, and though the clauses which affect me most were, (without any previous notice, as is always given in the British Parliament) introduced at the very heel of the Session, and could not have been understood by perhaps ten Members, since the whole Bill of thirty-one pages was passed through the House of Assembly in less than two hours.

From the mere mode of proceeding relative to myself personally on the whole subject of my Department, I proceed to notice some of the provisions of the Bill, having either a personal or general application. I will only mention them here with an observation or two—referring you to my communication of the 12th of May last, for further explanatory remarks respecting their character and tendency.

1. According to the Bill, the present School Trustee Corporations cease to exist on the first of next January, without any provision whatever being made to perpetuate the obligations contracted by them or to secure any parties having claims against the Trustees at that time. I understand that it has lately been decided by the Court, that Trustees are not *personally* responsible for any of the engagements which they make as a Corporation. The effect, therefore of abolishing the present School Corporations without providing for the fulfilment of contracts made by them, will be to inflict upon poor School Teachers the loss of several thousand pounds of their hard earnings. The experience of past years shows that Teachers do not, on an average, receive more than one-half, sometimes less, of their salaries by the 31st of December of each year. It cannot be supposed that it will be much better the present year, though I have, through the *Journal of Education*, drawn the attention of all parties concerned to it. The losses and difficulties experienced on former occasions, under similar circumstances, constitute the most painful epochs in the educational system of Upper Canada,

2. Under the operation of the new Bill, (as I have shown in my communication of the 12th of May last) Teachers will be liable, even though the County Treasurers be allowed no percentage, to a deduction of more than one-fourth of the present amount of the Common School Fund paid to them. This is one of the several discouraging features which this Bill presents to Common School Teachers.

3. The new Bill gives Trustees less powers and imposes upon them greater obligations and duties than those given and imposed by the present law, and thus increases the uncertainty and difficulties connected with payment of the Teachers' salaries. It has been my endeavour, from the beginning, to increase the powers and render more simple and easy the duties of Trustees, and more certain and prompt the payment of Teachers' salaries, as is evinced in each of my three

unpublished Reports or communications to the Governor General, in Council, on the Common School Law for Upper Canada. The provisions of the new Bill are of a directly opposite character, as is shown in the communication above referred to. Indeed so discouraging is the future, presented to Teachers by the provisions of the new Bill, that an old and experienced Teacher called upon me, a short time since, to know on what terms his son could be admitted for a short period to the Normal School as a *paid* pupil—stating that he had intended to prepare his son for his own profession of teaching and had intended to send him to the Normal School for that purpose; but so dark were the prospects presented to Teachers by the new law, that he intended to qualify his son for business. In each of my School Law Reports and Communications, I have remarked upon the hardships of Trustees under the present law, and means and necessity of lessening them; but the new Bill increases them. And it appears to me unjust to impose upon certain men the obligation, under a penalty, of asssuming the duties of Trustees, allowing them no remuneration for their trouble, as are Councillors, and yet restricting their powers and burdening them with additional forms and conditions in the performance of their duties. It is not possible, in my opinion, for us to have good and improving Common Schools under such circumstances.

4. The new Bill abolishes the present Boards of Trustees for Cities and Incorporated Towns—annihilates the system of Schools commenced in several Towns, and re-establishes the old system, which the entire experience of America has shewn to be incapable of establishing any more than the lowest class of isolated Common Schools—making no provision whatever for a system or gradation of Schools in any Town or City, as primary, intermediate. and high Schools, such as are founded in ev-ry City and considerable Town in the neighbouring States. It is true that little has been done in our Cities and Towns in comparison of what might and ought to have been done; but it is also true that much more has been done in all the Cities and Incorporated Towns of Upper Canada (Toronto alone excepted) under the present than under any former law, notwithstanding the omission of a provision to impose rate-bills—the cause of which I explained to you when in Montreal last autumn. It is also to be observed, that Corporations of several Towns have made a noble commencement in the erection of proper School-houses and establishing a proper system of Schools. In Hamilton four fine school-lots have been obtained in different wards of the City, and steps taken to erect as many fine school-houses. In St. Catharines, I understand the erection of a large Central School with several departments, has been projected. In Brantford, such an erection has been determined upon, and a member of the Corporation was lately deputed to come to Toronto and procure from me suitable plans—which I was enabled to recommend. In the Town of London, such a building, capable of accommodating 600 children, in different departments under different Teachers, but the whole under the direction of a Head Master—has already been commenced. The apportionment of the Legislative Grant to the Town of London for the current year, is little more than £100, but the voluntary self-imposed school-tax exceeds £700—one or two hundred pounds more than the amount of the school assessment of the large City of Toronto! These facts are presages of better times for the youth of our Towns, if such noble efforts are not crushed in the bud by the introduction of the new School Bill, which, without a single petition from any quarter, and without a single word of notice or explanation in the Legislature, sweeps the present City and Town School Law from the statute-book, and dooms the friends of improved education in our cities and towns to disappointment, defeat and disgust.

5. The new Bill abolishes all that has been done under the present Act to introduce an uniform series of excellent text-books into the schools—annuls the authority of the Provincial Board of Education to recommend text books for the schools, and places that authority in a great number of County Boards to be appointed by the Crown. The use of an uniform and suitable series of text-books is one of the most important features of a good School System, and the most difficult of establishment. Yet in less than three years, has a series of text-books, unrivalled for excellence and cheapness, been introduced into a considerable majority of the Common Schools of Upper Canada, and that without the prohibition of other books, or arbitrary authority, but by simple recommendation and providing facilities to make them known and accessible to all parts of the Province. I know of no instance of such success on this point, even during the period of five years, in any State or Province of Europe or America. But the new Bill not only denudes the Board of Education of the power thus so beneficially exercised, but does not provide for the continued authorization of the text-books already recommended, until others are authorized. To the proceedings of the Board of Education, in regard both to the Normal School and text-books for the Common Schools generally, I have heard not one whisper of opposition or dissatisfaction from any part of Canada, yet, without a petition, without a single reason assigned in the Legislature, are the two years' labours of the Board in regard to text-books, dashed to the ground, the schools throughout Upper Canada on the first day of January, 1850, are left without an authorized text-book, and are opened to the introduction of every kind of book-trash which itinerant vendors and their dupes and agents may supply until the contemplated local Boards become organized and prepared for action—which will not be much before the end of the year. Besides, no provision is made in the Bill to defray the expenses of these projected Local Boards. Not a farthing is provided to enable them to procure specimen text-books, to conduct their proceedings, or give effect to any of their recommendations. They are to make bricks without straw.

The idea or hope of having an uniform series of text-books in the schools, when their use is dependent on the sanction of twenty five independent Local Boards. is, of course, preposterous; and I have sufficiently explained, in my last interview with you, how inferiour are the adva..tages of any Local Board for ascertaining, and recommending and providing facilities for procuring, suitable text-books in comparison of what are possessed by a Provincial Board and the Superintendent of Schools. I have also explained to you the great importance of the principle acted upon in other countries, that the authorities managing the Normal School, or Schools for a State, recommend the books used in the schools of such State and for the obvious reason, that the books used in the Normal and its Model School, ought to be used in the Common Schools, and that it is of great advantage for Teachers to be trained in the proper mode of using such books, as well as to have some knowledge of the character of the books composing the Common School Libraries—copies of which should, of course, constitute part of the Library of the Normal School, and characteristic notices of which should be given in some of the Normal School Lectures.

6. The only way in which a State or National System of Schools can be established and maintained in connexion with local popular institutions, is, by the Executive authority making the general regulations, and being able to secure their observance by means of the distribution, and a veto power in the application of the Legislature School Grant or State Fund in aid of

Schools. This is provided for at every point and in the most efficient manner in the School Law of each of the neighbouring States where there is a State System of Schools. This is completely provided for in the National School System in Ireland. It is provided for, to a limited extent, in the present School Act for Upper Canada; but the new Bill, as is shown in the annexed communication, precludes, by its financial provisions, all possibility of a Provincial School System, and appears to render the office of Provincial Superintendent, to a great extent, nugatory. Indeed I am credibly informed, that the orignal Draft of the Bill provided for the abolition of that office; and the whole Bill seems to have been constructed with that view. But though the office has been retained, as I am told by the decision of the majority of the Executive Council, it is deprived of the means by which it has been instrumental during the last three years of producing the present results in our system of the Normal and Common Schools.

7. The new Bill contains a curious provision involving a virtual insult to the Boards of Trustees of District Grammar Schools throughout the Province, prohibiting them from employing any Teacher—not an University Graduate—unless he produce a certificate of qualification signed by the Head Master of the Normal School—though there is perhaps not a Board of Grammar School Trustees in Upper Canada amongst whose members there are not one or more University Graduates, and notwithstanding the Head Master of the Normal School, though an excellent and able officer and teacher in his own department, is not, and has not been for many years, connected with a Classical School at all; besides his other duties to the Board by whom he is appointed, and who are not even recognized in this anomalous provision of the Bill. I also observe one section in this Bill authorizing the Board of Education to give Normal School Students certificates of qualifications for one year; while there is another section authorizing the Head Master of the Normal School to give certificates of qualifications, at his own discretion, to all applicants and for an indefinite period—thus giving an officer of the Board independent and much greater power than that possessed by the Board of Education itself. There are many other anomalies and incongruities in the details of the Bill to which I will not stop to refer in this place, but which are pointed out in the communication before referred to, at the same time, that due mention is made of may useful provisions which are retained from the present Act.

8. Another feature of the new Bill is, that which precludes Ministers of religion, Magistrates, and Councillors from acting as school visitors, a provision of the present Act to which I have heard no objection from any quarter, and from which signal benefits to the schools have already resulted. Not only is this provision retained in the School Act for Lower Canada, but Clergymen—and Clergymen alone—are there authorized to select all the school books relating to "religion and morals" for the children of their respective persuasions. As a large majority of the people in Lower Canada are Roman Catholics, the School Fund there, from the great powers given to Clergymen, is equivalent in perhaps nine cases out of ten, to an endowment of the Roman Catholic Church for educational purposes. But in Upper Canada where the great majority of the people and clergy are Protestant, the provision of the present Act authorizing Clergymen to act as School Visitors (and that without any power to interfere in school regulations or books) is repealed. Under the new Bill, the Ministers of religion cannot visit the schools as a matter of right, or in their character as Ministers, but as private individuals, and by the permission of the teacher at his pleasure. The repeal of the provision under which Clergymen of the several religious persuasions have acted as visitors, is, of course, a virtual condemnation of their acting in that capacity. When thus denuded by law of his official character in respect to the schools, of course no Cleygyman would so far sanction his own legislative degradation as to go into a school by sufferance in an unministerial character. I am persuaded that such a change in this most important feature of our school system escaped the knowledge of the principal Members of the Government; but its character and tendency in connexion with the Protestant religion of Upper Canada, in contrast with a directly opposite provision in connexion with the Roman Catholic religion of Lower Canada, must be obvious to every reflecting person.

To the School visiting feature of the present system I attach great importance as a means of ultimately concentrating in behalf of the schools the influence and sympathies of all religious persuasions, and the leading men of the country. The success of it, thus far, has exceeded my most sanguine expectations; the visits of clergy alone during the last year being an average of more than *five visits* for *each* Clergyman in Upper Canada. From such a beginning, what may not be anticipated in future years, when information shall become more general, and an interest in the schools more generally excited. And who can estimate the benefit, religiously, socially, educationally, and even politically, of Ministers of various religious persuasions meeting together at Quarterly School Examinations, and other occasions, on common and patriotic ground—as has been witnessed in very many instances during the last year—and becoming interested and united in the great work of advancing the education of the young. Much additional benefit may be anticipated from this feature of the present School System, when Common School Libraries are established.

The exclusion of Ministers of religion from all connexion with the School System, is not required by example or public sentiment any more than by a due regard to the character and interests of schools. The regulation of the present law is embodied in the National School System in Ireland; the principle of it has been embodied from the beginning in Massachusetts' School System. In that State the Reverend Dr. Sears (President of a Baptist Theological Seminary) has been appointed successor to the Honourable Horace Mann, as Secretary of the Board of Education. In the State of New Hampshire, the Reverend Richard S. Rust, A.M., Principal of the Wesleyan Wilbraham Academy, is the State Commissioner of Common Schools, as is the Reverend Dr. Lord, (Presbyterian Clergyman,) State Superintendent of Schools in Ohio; and I observe that Clergymen compose a large proportion of the members of the Regents of the University in the State of New York; also of Boards of School Trustees in Cities and Towns. It is so in the Boards of Trustees in the District Grammar Schools in Upper Canada; and who has heard of any injurious results from it? It is also worthy of remark, that in the *five* vacancies which have occurred in the office of District Superintendent since last January, *five Clergymen* have succeeded *five laymen* by the spontaneous appointments of as many District Councils. I take such facts to be the expression of enlightened public sentiment on the subject. That distinguisned American Statesman, the Honourable Daniel Webster, has forcibly remarked:—"I maintain that in any institution for the instruction of youth where the Ministers of Christianity are shut out from all participation in its proceedings, there can no more be charity, true charity, found to exist, than evil can spring out of the Bible, error out of truth, or hatred and animosity come forth from the bosom of perfect love." (*Speech on Girard's Will.*)

9. There are yet two other provisions of the new Bill to which I must direct your particular attention. Both of these provisions were introduced as amendments at the last moment, and without any previous notice, when the Bill was being passed through the Committee of the House at a galloping speed. The one places the duties of my office under the Board of Education; the other proscribes all books from the schools containing "controverted theological dogmas or doctrines." If the provision to make the Superintendent a servant of the Board of Education, is not designed to be practical, it must then be intended merely to gratify the enmity of certain individuals against the present incumbent by placing him in a comparatively humiliated position, and denuding his office of the standing and influence which it now possesses. But if this provision is designed to be practical —as I think must be assumed—then it is liable to the following *additional* objections. (1.) It subjects every decision, every letter, every act, every part of the proceedings of the Superintendent to the embarrassment, delay, and perplexity of discussion in a Board. I know the operation of this system in the comparatively limited correspondence and local matters relating to the Normal School—where I think it is unavoidable and necessary. In such a Board of weekly meeting and discussion, one unfriendly person can render the official life of a Provincial Superintendent disgusting and miserable, and no situation can afford better opportunities for intrigue against him. If he gives any advice, or performs any mission or duty in any part of the Province, there will not be wanting persons to assail him in private letters to individual members of the Board—especially to any individual member known to be unfriendly to the Superintendent—and thus the whole course of his labours may be embittered as well as embarrassed. I speak on this point from experience, in the more limited affairs of the Normal and Model Schools. (2.) It is at variance with all precedent. There is not an instance in any State in America, much less in Europe, of a State Superintendent or Commissioner of Public Schools, or Minister of Public Instruction, being placed under a Board of unofficial, and therefore, of irresponsible persons. The only example which approaches, even in name, is that of the Board of Education and its Secretary in the State of Massachusetts. But in that case, three things are to be noted:—*First.* The Secretary is appointed by the Board itself and is, therefore, its officer—not appointed by, and the officer of Government, in contradistinction to the Board. *Secondly.* The Board itself is not constituted to administer the School Law, not even to apportion and distribute the State School Fund, but it is constituted merely to collect and diffuse information and prepare forms and reports of the Schools. *Thirdly*, The Board is, in fact, the *Government* itself as a Board of Education for certain purposes—consisting of the *Governor*, and *Lieutenant Governor* of the State, and seven other persons appointed by the Governor; and the Secretary of a Board thus constituted is virtually the Educational Secretary of the State. (3.) This feature of the new School Bill withholds from the administration of the Common School System the application of the principle of *responsibility* which is applied to every other Department of the Public Service. An unsalaried Board is not a responsible body; nor can its members be supposed to devote, without remuneration, the requisite time and study necessary to become acquainted with all the interests and questions involved in the administration of so important a system. A salaried Superintendent is responsible, like that of any other Government officer. He has the stimulus of such responsibility on the one hand, and the protection of a responsible Government on the other; and the principle of responsible government is applied to him and his Department, the same as to other public officers and their Department. I beg to refer to my discussion upon the application of the principles of responsible government to the office of Superintendent of Schools, in the first volume of the Journal of Education (*a copy of which I herewith transmit and beg your acceptance of*) pages 49-56 where indeed the powers, duties, &c. of Superintendents of Schools, as existing in different countries and States, are set forth and explained.

10. The last feature of the new Bill on which I will remark is that which proscribes from the Schools all books containing "controverted theological dogmas or doctrines." I doubt whether this provision of the Act harmonizes with the christian feelings of Members of the Government; but it is needless to inquire what were the intentions which dictated this extraordinary provision, since the construction of an Act of Parliament depends upon the language of the Act itself, and not upon the intentions of its framers. The effect of such a provision is to exclude every kind of book containing religious truth, even every version of the Holy Scriptures themselves; for the Protestant version of them contains "theological doctrines" controverted by the Roman Catholic; and the Douay version of them contains "theological dogmas" controverted by the Protestant. The "theological doctrine" of miracles in Paley's Evidences of Christianity is "controverted" by the disciples of Hume. Several of the "theological doctrines" in Paley's Moral Philosophy are also "controverted;" and indeed there is not a single doctrine of Christianity which is not controverted by some party or other. The whole series of Irish National Readers must be proscribed as containing "controverted theological doctrines;" since, as the Commissioners state, these books are pervaded by the principles and spirit of Christianity, though free from any tincture of sectarianism. The regulations of the Irish National Board, which I have quoted and adopted as the basis of our Canadian School System on the subject of religious instruction, are as follows:—"We allow religious instruction to be given, and of course, the Scriptures to be read, or the Catechism learned, during any of the school hours, provided that such an arrangement be made as that no children shall take part in, or listen to, any religious reading or instruction to which their parents or guardians object. With this view we have framed the following regulations:—1st. The ordinary School business, during which all children, of whatever denomination they may be, are required to attend, is to embrace a competent number of hours in each day. 2nd. One day at least in each week, or part of a day, (independently of the Sunday,) is to be set apart for the religious instruction of the children, on which day such pastors or other persons as are approved of by their parents or guardians, shall have access to them for that purpose, whether those pastors have signed the original application or not. 3rd. The managers of schools are also expected to afford convenient opportunity and facility for the same purpose on other days of the week. But where any course of religious instruction is pursued in a school during school hours to which the parents of any of the children attending it object, an arrangement is to be made for giving it separately to those who are to receive it. 4th. Any arrangement of this description that may be made, is to be publicly notified in the schools, in order that those children and those only, may be present at the religious instruction whose parents and guardians approve of their being so. 5th. If any other books than the Holy Scriptures, or the standard books of the church to which the children using them belong, are employed in communicating religious instruction, the title of each is to be made known to the Board. 6th. The reading of the Scriptures, either in the Protestant authorized or Douay version, is considered as religious instruction."

These regulations have been peacefully, successfully and beneficially in operation in Ireland since 1837, and are in harmony with the Section introduced into Mr. Hinck's School Bill in 1843, and retained without alteration in the present Act, exonerating a child from attending any exercise of religion or devotion, or reading any religious book to which his or her parents or guardians shall object. This security, I think, is ample; and under it for the last six years I am not aware of the occurrence of a single difficulty. The exclusion of all kinds of Christian books—even the Bible—involves, of course, the exclusion of every kind of religious instruction. On this great subject I cannot depart from what I have stated and illustrated at large in my "Report on a System of Public Elementary Instruction for Upper Canada," under the heads of Bible, and Religious Instruction in Schools, (pages 22-51,) where, while I have held up to reprobation merely sectarian instruction in the Schools, I have shown the extent to which the Holy Scriptures are used and religious instruction given in the non-sectarian mixed Schools of different christian countries—Protestant and Roman Catholic. I think there is too little Christianity in our Schools, instead of too much; and that the united efforts of all christian men should be to introduce more, instead of excluding what little there is. On this vital question I am happy to be sustained not only by the authority and example of the Irish National Board, and the practice of European countries, but also by the practice of the New England States and the testimonies of their great educationists. The Honourable Daniel Webster, (already quoted) observes:—"It is idle, it is mockery, and an insult to common sense, to maintain that a School for the instruction of youth, from which Christian instruction by Christian Teachers, is sedulously and rigorously shut out, is not deistical and infidel, both in its purpose and tendency."—"The objection to the multitude and differences of sects is but the old story—the old infidel argument. It is notorious that there are certain great religious truths which are admitted and believed by all Christians. All believe in the existence of a God. All believe in the immortality of the soul. All believe in the responsibility, in another world, for our conduct in this. All believe in the divine authority of the New Testament. Dr. Paley says, that a single word from the New Testament shuts up the mouth of human questioning, and excludes all human reasoning. And cannot all these great truths be taught to children without their minds being perplexed with clashing doctrines and sectarian controversies? Certainly they can."—"How have they done in the Schools of New England? There the great elements of Christian truth are taught in every School, as far as I am acquainted with them. The Scriptures are read, their authority taught and enforced, their evidence explained, and prayers usually attended. The truth is, that those who really value Christianity, and believe in its importance, not only to the spiritual welfare of man, but to the safety and prosperity of human society, rejoice that in its revelations and its teachings there is so much which mounts above controversy, and stands on universal acknowledgment. While many things about it are disputed, or are dark, they still plainly see its foundation, and its main pillars; and they behold in it a sacred structure rising up to the heavens. They wish its general principles, and all its great truths, to be spread over the whole earth. But those who do not value Christianity, nor believe in its importance to society or individuals, cavil about sects and schisms, and ring monotonous changes upon the shallow and so often refuted objections founded on alleged variety of discordant creeds and clashing doctrines." (*Speech on Girard's Will.*)

The Board of Education for the State of Massachusetts, in its eighth Annual Report, has put forth an elaborate vindication of the Holy Scriptures and Religious Instruction in the Schools—commencing their remarks in the following words:—"We cannot conclude this Report without referring to a subject of vital interest, not only to the prosperity of all our institutions of learning, but to the welfare, also, of all the children of the Commonwealth. We refer to the importance of cultivating, as well the moral and religious, as the intellectual faculties of our children by the frequent and careful perusal of the Sacred Scriptures in our Schools."

The Board then proceed to show that the Bible is used in all the Schools in the State, except in those of three Towns, either as a reading book, or in exercises of devotion—adding:—"By the recommendation of the Board, it [the Bible] has been in daily use, in all the Normal Schools, from the commencement, and it is believed that it is used, in like manner, in all our Academies."

From the lengthened remarks of the Massachusetts' Board of Education, I will only further extract the two following sentences:—"It is worthy of remark, that while our Legislature have guarded, sedulously and effectually, our Common Schools from becoming places for sectarian instruction, they have, at the same time, provided for the instruction of youth, both in the Schools and in the other institutions of learning, in a knowledge of the principles of the Christian religion."—"It will also be recollected that the Common Schools are under the charge of Committees [Trustees] chosen by the people, who have power to direct the manner and amount of religious instruction."

This last sentence describes precisely the manner in which I have provided for religious instruction in the Common Schools of Upper Canada—at the option and under the direction of Trustees chosen by the people. I have not assumed it to be the duty, or even constitutional right of the Government to *compel* any thing in respect either to religious books or religious instruction, but to *recommend* the local Trustees to do so, and to *provide powers and facilities* to enable them to do so within the wise restriction imposed by law. I have respected the rights and scruples of the Roman Catholic as well as those of the Protestant. By some I have been accused of having too friendly a feeling towards the Roman Catholics; but while I would do nothing to infringe the rights and feelings of Roman Catholics, I cannot be a party to depriving Protestants of the Text-book of their faith—the choicest patrimony bequeathed by their forefathers, and the noblest birthright of their children. It affords me pleasure to record the fact—and the circumstance shows the ease and fairness with which I have acted on this subject—that before adopting the Section in the printed Forms and Regulations on the "Constitution and Government of the Schools in respect to Religious Instruction," I submitted it, among others, to the late lamented Roman Catholic Bishop Power, who, after examining it, said he would not object to it, as Roman Catholics were fully protected in their rights and views, and as he did not wish to interfere with Protestants in the fullest exercise of their rights and views.

I cannot conclude my remarks on this subject without adding the following paragraphs from the pen of that eloquent and true educational patriot, the Honourable Horace Mann, who, in his School Report for 1848—his last, and twelfth Report as Secretary of the Massachusetts Board of Education—devoted *forty-two* printed octavo pages to the vindication of the system of *religious* instruction of the public Schools, not against persons who objected to such instruction, but against those who insisted that too little religious instruction was provided for in the public Schools, and that they should therefore be made "parochial" or "sectarian."

The former of the following paregraphs shows the kind of objections urged against the system, the latter the views of its noble advocate :—

"It is known," says Mr. Mann, "that our noble system of Free Schools for the whole people, is strenuously opposed—by a few persons in our own State, and by no inconsiderable numbers in some of the other States of this Union ; and that a rival system of 'Parochial" or 'Sectarian' Schools, is now urged upon the public by a numerous, a powerful, and a well-organized body of men. It has pleased the advocates of this rival system, in various public addresses, in reports, and through periodicals devoted to their cause, to denounce our system as irreligious and anti-Christian. They do not trouble themselves to describe what our system is, but adopt a more summary way to forestall public opinion against it, by using general epithets of reproach and signals of alarm."

"In this age of the world, it seems to me that no student of history, or observer of mankind, can be hostile to the precepts and the doctrines of the Christian religion, or opposed to any institutions which expound and exemplify them; and no man who thinks, as I cannot but think, respecting the enduring elements of character, whether public or private, can be willing to have his name mentioned while he is living, or remembered when he is dead, as opposed to religious instruction and Bible instruction for the young. In making this final Report, therefore, I desire to vindicate my conduct from the charges that have been made against it ; and, so far as the Board has been implicated in these charges, to leave my testimony on record for their exculpation. Indeed, on this point, the Board and myself must be justified or condemned together ; for I do not believe they would have enabled me, by their annual rëelections, to carry forward any plan either for excluding the Bible or religious instruction from the Schools ; and had the Board required me to execute such a purpose, I certainly should have given them the earliest opportunity to appoint my successor."

The sentiment of the concluding sentence of this quotation is the language of my heart and purpose. It will be seen that the New England or Irish National School advocates of a system of mixed Schools, in contradistinction to separate and sectarian Schools, did not maintain that the Scriptures and all religious instruction should be excluded from the Schools, but that the peculiarities of sectarianism were no essential part of religious instruction in the Schools, and that the essential elements and truths and morals of Christianity could be provided for and taught without a single bitter element of Sectarianism. The advocates of public Schools meet the advocates of sectarian Schools, not by denying the connection between Christianity and Education, but by denying the connection between Education and Sectarianism—by comprehending Christianity in the system, and only rejecting sectarianism from it. The same, I think, is our safety and our duty. Be assured that no system of popular education will flourish in a country which does violence to the religious sentiments and feelings of the Churches of that country. Be assured, that every such system will droop and wither which does not take root in the Christian and patriotic sympathies of the people—which does not command the respect and confidence of the several religious persuasions, both Ministers and Laity—for these in fact make up the aggregate of the Christianity of the country. The cold calculations of unchristianized selfishness will never sustain a School System. And if you will not embrace Christianity in your School System, you will soon find that Christian persuasions will commence establishing Schools of their own ; and I think they ought to do so, and I should feel that I was performing an imperative duty in urging them to do so. But if you wish to secure the co-operation of the Ministers and Members of all religious persuasions, leave out of your system the points wherein they differ, and boldly and avowedly provide facilities for the inculcation of what they hold in common and what they value most, and that is what the best interests of a country require.

This was the most anxious object of my inquiry during my educational tour in the United States and Europe four years since; on this ground of broad, non-sectarian Christianity, after more than twelve months fresh and earnest deliberation, I determined to take my stand ; and in this, I believe, is involved the philosophy of the unprecedented success of the present system during three short years Not a single religious persuasion has, in any shape or form, objected to it. Even the Lord Bishop of Toronto and "The Church" newspaper, who opposed, by petitions and otherwise, the late School Act, have withdrawn opposition to the present, and the Ministers of religion generally, have given it their support—feeling that without compromising religious principle, nay, upon the ground of religious principle, and in the maintenance of their official character, they could co-operate in its proceedings and promote its interests. Yet it is free from the tincture of sectarianism, from the Normal School down to the village primary School, and under its operations "separate" or sectarian Schools have declined nearly two-thirds during the last three years.

Now, from my Communication of the 12th of May last, and the foregoing observations, it is obvious that the new School Bill involves the subversion and overthrow of all the great principles and leading features of the present school system, apart from the task which it imposes upon the people of studying a new law, more than twice as voluminous as the present Act, and learning new conditions and new modes of proceeding —a law too, even supposing its principles were sound, cannot be administered a single year without modifications and amendments in its details, much more extensive and numerous than the most practical and experienced men have thought necessary in the present Act.

As it relates to myself, the new Bill on its coming into operation, leaves me but one course to pursue. The character and tendency of the Bill—whatever may have been the motive in its preparation—clearly is to compel me to relinquish office, or virtually abandon principles and provisions which I have advocated as of great and vital importance, and become a party to my own personal humiliation and degradation—thus justly exposing myself to the suspicion and imputation of mean and mercenary conduct. I can readily retire from office, and do much more if necessary, in maintainance of what I believe to be vital to the moral and educational interests of my native country ; but I can never knowingly be a party to my own humiliation and debasement. I regret that an unprecedented mode of legislation has been resorted to to gratify the feelings of personal envy and hostility. I regard it as a virtual vindication of myself against oft repeated allegations, that it was felt that I could not be reached by the usual straight-forward administration of government. Lately, in the English House of Lords, the Marquis of Lansdowne stated, that Mr. LaFontaine had returned to Canada, and boldly challenged inquiry into any of the allegations against him in reference to past years. I have repeatedly done the same. No such inquiry has been granted or instituted. Yet I am not only pursued by base calumnies of certain persons and papers professing to support and enjoy the confidence of the Government, but legislation is resorted to, and new provisions introduced at the last hour of the Session, to deal out upon me the long meditated blows

of unscrupulous envy and animosity. But I deeply regret that the blows which will fall comparatively light upon me, will fall with much greater weight, and more serious consequences, upon the youth of the land, and its future moral and educational interests.

During the first few years of his educational labours, the Honourable Horace Mann was opposed by a powerful party, and attacked with as much virulence as that with which I have been assailed. In his last Report, Mr. Mann says, that he had experienced "years of endurance, suffering under misconstructions of conduct, and the imputation of motives, whose edge is sharper than a knife." And in referring to the authorities by whom he had been appointed to office, he makes the following significant remark:—"I feel that, had it not been for their confidence in me, during some of the years of doubt and struggle, through which I have passed, this educational enterprise would have proved a failure in my hands; and thus, my name, in one of the noblest of all human undertakings, would have been connected with the dishonour of a defeat, and with the ridicule that pursues a visionary schemer."

These appear to have been the anticipations of extreme partizans, in respect to myself and my labours; and doubtless such are the results which they expect from the new Bill. But they are a little too late as it respects myself. Had they acted twelve months sooner, they might have realized their wishes. At that time I had no statistics, no official facts whatever, to prove that my plans were not the vagaries of "a visionary schemer." But since that time, not only have the pages of the "*Journal of Education*" developed my views to a large portion of the public, but two Annual Reports have been prepared, and are within the last week in print; and to the numerous facts and testimonies contained in these documents I now fearlessly appeal, as to the practical character and success of the system and measures which I have adopted and recommended. To the statements and opinions of several District School Superintendents—as given in my School Report for last year, 1848—as to both the acceptableness and efficiency of the general provisions of even the present School Law in the estimation of those who have had most experience of it,—I appeal, as of more weight than the notions of the projectors of the new Bill.

On the minor details of a law, no one is disposed to lay less stress than myself. On such ground I should not feel myself justified in not labouring to give efficiency to a measure. Acting as I hope I do, upon Christian and public grounds, I should not feel myself justified in withdrawing from a work in consequence of personal discourtesy and ill treatment, or a reduction of means of support and usefulness. But when I see the fruits of four years' anxious labours, in a single blast, scattered to the winds, and have no satisfactory ground of hope that such will not be the fate of another four years' labour; when I see the foundations of great principles, which, after extensive inquiry and long deliberation, I have endeavoured to lay, torn up and thrown aside as worthless rubbish; when I see myself deprived of the protection and advantage of the application of the principle of responsible government as applied to every other head of a Department, and made the subordinate agent of a Board which I have originated, and the members of which I have had the honour to recommend for appointment; when I see myself officially severed from a Normal School Institution which I have devised, and every feature and detail of which are universally commended even to the individual capacities of the Masters whom I have sought out and recommended; when I see myself placed in a position, to an entirely novel system of education at large, in which I can either burrow in inactivity or labour with little hope of success; when I find myself placed in such circumstances, I cannot hesitate as to the course of duty, as well as the obligations of honour and self-respect.

It is neither my right nor wish to presume to dictate to the Government as to its measures or proceedings. But I think it is my right, and only frank and respectful on the earliest occasion, to state in respect to my own humble labours, whether I can serve on terms and principles and conditions so different from those under which I have, up to the present time, acted; though I cannot, without deep regret and emotion, contemplate the loss of so much time and labour, and find myself impelled to abandon a work on which I had set my heart, and to qualify myself for which I have devoted four of the most matured years of my life. All that I have desired of the Government is that which I have respectfully suggested in the first remark of my communication of the 12th May last; namely, that before demolishing the present Common School system of Upper Canada, the Government would inquire into its character, working, and results, by a Commission or otherwise, and hear the statements and opinions of different men and parties of much experience and varied information on the subject. The reasons why the spirit which originated the new Bill dreaded the light of such investigation, are quite obvious. But if the convenience of the people and the Common School interest of the country are not worth so much attention and trouble on the part of the Government, I grieve for the educational future of Upper Canada. Had the Government thought proper to institute such an inquiry, either before or during the last Session of the Legislature; or had it seen fit (seeing that it declined adopting the short Bill submitted by me) to defer legislation altogether on the subject until the next Session, as the present School Act could be administered for six or nine months under the new Municipal system as well as under the present, and in the mean time have instituted an inquiry into the principles and working of the present School Law and the changes necessary to amend and perfect it, I believe the result would have been as honourable and gratifying to the Government as beneficial to the country.

Having now fulfilled my promise—to communicate to you, in writing, my views on this important and extensive subject—I leave the whole question in your hands.

I have the honour to be,

Sir,

Your most obedient humble servant,

(Signed) E. RYERSON.

The Honourable
ROBERT BALDWIN,
Attorney-General, West,
Montreal.

VIII.

Remarks and Recommendations, with a view to the Introduction of School Libraries into Upper Canada.

(COPY.)

EDUCATION OFFICE,
Toronto, 16th July, 1849.

Sir,—I have the honour to submit to the favourable consideration of the Governor-General, in Council,

the following remarks and recommendations with a view to the introduction of School Libraries into Upper Canada, as contemplated by each of the Common School Acts which have been sanctioned by the Legislature.

There can be but one opinion as to the great importance of introducing into each Township of Upper Canada, as soon as possible, a Township Library with branches for the several School Sections, consisting of a suitable selection of entertaining and instructive Books, in the various departments of Biography, Travels, History (Ancient and Modern) Natural Philosophy and History, Practical Arts, Agriculture, Literature, Political Economy, &c. &c. &c. It is not easy to conceive the vast and salutary influence that would be exerted upon the entire population—the younger portion especially—in furnishing useful occupation for leisure hours, in improving the taste and feelings, in elevating and enlarging the views, in prompting to varied and useful enterprize, that whould flow from the introduction of such a Fountain of Knowledge and enjoyment in each Township in Upper Canada.

But in order even to commence such a noble and patriotic undertaking two things are necessary. The first is, to obtain, and for the Board of Education to examine and select the proper Books. The second is, to render such Books easily and cheaply accessible to every part of the Province.

As the Books are not and cannot be published in this country, they must, for some time at least, be obtained from abroad—from England and the United States. Arrangements must be made for that purpose, as the ordinary agencies of Book-trade are insufficient.

When in England in 1833 I made an arrangement with certain Booksellers in London in behalf of the Wesleyan Body in Upper Canada, on the basis of which Books have been obtained from that time to this much below the *printed wholesale* prices. When in Dublin in 1845, I arranged with the National Board to obtain their Books for Schools in Upper Canada at cost prices—much below the *wholesale* prices to the British Public; and by means of that arrangement those excellent Books are now sold in Upper Canada about twenty per cent. cheaper than they were three years since. And we now say to each of our Canadian Booksellers, that if he will agree not to sell those Books at more that two pence currency for every penny sterling that he pays for them, we will give him a certificate to the National Board in Dublin to obtain them at the reduced prices. By this simple arrangement private trade is encouraged, at excellent profits, rather than interfered with; and the Books are then sold at much lower prices than heretofore. The selling prices of the Books are published in the printed Forms and Regulations for Schools, and are uniform in every part of the Province, and known to every Trustee and Teacher. A Canadian House has reprinted an Edition of most of these Books (fac similes of the Dublin Edition) at even lower prices than the imported Editions.

Now I propose the adoption of an extension of the same arrangements to procure Books for School Libraries. I propose to make an arrangement with some of the Book Societies in London (such as the Society for the diffusion of Useful Knowledge, &c. &c.) and the Cheap Library Publishers in London and Edinburgh for procuring such of their Books as may be required for School Libraries in Canada at the lowest prices. I propose to make the same arrangement with the National Board in Dublin for procuring portions of the Series of Books which they have lately selected and adopted for School Libraries, that we have heretofore made in order to procure their School Books. And as but few of the Books composing the School Libraries in the neighbouring States of New York and Massachusetts are of an exclusively local and politically objectionable character, and as the greater part of their School Library Books are as suitable to the youth of Canada as to those of the United States—many of the Books being reprints of English Works and Translations from the French and German—I propose to make a similar arrangement with School Library (and perhaps some other) publishers in New York and Boston that I have above proposed to make with English Publishers.

According to this arrangement, I propose to secure, at the cheapest rate possible, to the reading youth and people of Canada, the best popular works which emanate from the British and American press. There will thus be a *British* and *American* series, with the prices affixed to each, and directions where and how they may be procured—leaving to local Councils or Committees the option of selecting from either series, or from both, at their discretion.

In the catalogue of these Library Books, I think a characteristic notice of each book should be inserted (including two or three sentences, but of course requiring considerable thought, judgment and labour, in the preparation); a catalogue should be furnished to each local Council, and the books generally be also brought to the notice of the public in the columns of the *Journal of Education*, and personally by the Chief Superintendent during his visits to the various Districts—one of which I had intended to make during the latter part of the current year.

Should the plan thus briefly explained be approved of by the Governor-General in Council, I propose to devote the next three or four months to its accomplishment, by going to the United States and England to make the arrangements suggested, and to select and procure specimen books for the School Libraries to lay before the Board of Education for Upper Canada for their examination and judgment. My own personal expenses will, I think, in all, including difference of exchange, &c., be under £200, and that £250 or £300 will be sufficient to purchase copies of the books required. It is not likely that many Townships will desire, at least for a time, a Library worth half of £300; but the school authorities of several cities and towns will doubtless soon demand a Library of greater value than that sum. The sums mentioned —in all £450 or £500—would, of course, be deducted from the first money apportioned for establishing Public School Libraries in Upper Canada. The books thus obtained and approved of by the Board of Education, would be either purchased to increase the Normal School Library, or be disposed of to any of the local Councils or Committees establishing Libraries, as part of their apportionment; and thus the only deduction from the Legislative Grant for School Libraries would be the amount of my travelling expenses—which would be abundantly compensated by the importance and economical advantages of the arrangements which I would be able to effect, and which, in some shape or form, are of course indispensable to the establishment of School Libraries. I look forward to the day when such Libraries will be increased and enriched by Canadian contributions and publications.

With these remarks, I submit this important subject to the favorable consideration of the Governor General in Council; and should the task I have proposed be approved of, I will lose no time in prosecuting it. In the mean time, I would respectfully recom-

mend that John George Hodgins, Esquire, (Senior Clerk in the Education Office) be authorized by the Governor General, in Council, to act as Deputy Superintendent of Schools for Upper Canada during my absence—as I have entire confidence in his integrity, knowledge and ability.

I have the honour to be,
Sir,
Your obedient, humble Servant,

(Signed) E. RYERSON.

The Honourable
JAMES LESLIE,
Secretary of the Province,
Montreal.

IX.

Acknowledgment of the Foregoing Letter.

(COPY.)

SECRETARY'S OFFICE,
Montreal, 20th July, 1849.

SIR.—I have the honour, by command of the Governor General, to acknowledge the receipt of your letter of the 16th inst., submitting certain remarks and recommendations, with a view to the introduction of School Libraries into Upper Canada; and to inform you that the subject will receive His Excellency's attention.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed,) J. LESLIE,
Secretary.

The Reverend
EGERTON RYERSON, D. D.,
Supt. of Schools for U. C.,
&c., &c., &c.,
Toronto,
C. W.

X.

Copy of a Letter from the Chief Superintendent of Schools, to the Secretary of the Province, containing several suggestions with respect to the carrying into effect of the New School Act, 12 Vic. ch. 83 :—

(Copy.)

EDUCATION OFFICE,
Toronto, 7th December, 1849.

Sir,—As it is provided that the new Common School Act for Upper Canada, which passed the Legislature at its last Session, shall have force after the first day of January next ensuing, I desire most respectfully to submit to the consideration of the Governor General, in Council, what appear to me to be the vital interests of our Common Schools in respect to that law.

1. I observe in the first place, that the new Law (see last Section,) repeals the very Law by which Legislative aid is now granted to Common Schools in Upper Canada : that it makes no provision whatever for enabling Municipal Councils to establish Common School Libraries : that it makes no provision whatever for enabling the contemplated County Boards to perform the duties imposed upon them: that it provides no security or means by which the diversion, in any case, of any part of the Legislative School Grant from the objects contemplated by the Legislature can be prevented : and that it provides none of the means essential to acquiring the needful information in regard to any matters relating to the operations or administration of the law or the expenditure of moneys in particular cases in any Township in Upper Canada, as it does not authorize even the slightest correspondence, on either side, between the Provincial Superintendent and any Township Superintendent, leaving the Provincial Superintendent no means whatever of acquiring local information of any kind except by application to the Clerks of the County Councils. With such omissions in the general provisions and great essential parts of the School Law (without adverting to numerous details), it is obvious that its introduction must issue in a rapid decline, instead of advancement, in our Common Schools.

2. But there are many provisions of this Act still more injurious than its omissions. I will mention some of the more general. (1.) It abolishes all that has been done by the Board of Education, with a view of introducing a series of suitable Text-books in the Common Schools of Upper Canada—an event which I can look upon as little less than a calamity to the Schools and youth of the Province. (2.) It must also impair, to a considerable extent, the usefulness of the Provincial Normal School, as one object of the training of Teachers in that Institution is not only to qualify them to teach generally in the best manner, but to teach the National School Books to the best avandtage, and to organize Schools according to them,—an object which is, in a great measure useless, when the authority which manages the Provincial Normal School is denuded of all right to say any thing respecting the School Text-books. Scores of testimonies have been given in Official Reports and in the Correspondence of the "*Journal of Education*," as to the benefits already resulting to Schools from the labours of the Board of Education in regard to Text-books as well as in respect to the Normal School. The most useful recommendations of the Board are not even perpetuated until the action of other Boards, while its authority, in respect both to Text-books and Books for Libraries, is abrogated. (3.) The new Law alters the Constitution and system of managing the Normal School,—repeals provisions to which that Institution owes its very existence, and, to a great extent, its harmonious and economical management, and contains provisions which will add considerably to the expense, and deduct from the efficiency of the management of that Establishment—changes that were introduced not only without consulting the Superintendent of Schools and the members of the Board of Education, who had established and matured the operations of the Normal School, but against their judgment. (4.) What has been done during the last two years for improving the system of Schools in our Cities and Incorporated Towns, is also to be abolished, and instead of giving the Boards of Trustees in those Cities and Towns authority to impose rate-bills, they are to be set aside, and a retrograde movement is to be made back to the old system, which has long since been abandoned by every City and Town in the neighbouring States as one of the relicts of stationary ignorance and the monumental barriers against all School improvement in Cities and Towns, —as experience has shown in the Cities and Towns of Upper Canada for the last twenty years. (5.) Those who have voluntarily fulfilled the office of School Visitors during the last two years and upwards, are likewise denuded of their character as such, while

corresponding classes of persons in Lower Canada are retained as School Visitors, and while the Clergy there are not only continued in the office of School Visitors, but are invested with the absolute and exclusive authority to select all books used in the Schools "*relating to religion and morals*"—a power that it was never thought of conferring upon the Clergy of Upper Canada. They have not been invested with authority to interfere in respect to a single regulation or book used in the Schools. The School visits of the Clergy of the several religious persuasions (besides 1,459 visits of Magistrates and 959 of District Councillors,) have amounted, during the last year, to 2,254—exceeding an average of five School visits for each Clergyman in Upper Canada; nor have I heard of an instance of any thing unpleasant or hurtful resulting from such visits; but, on the contrary, the most abundant proofs have been given of the salutary, social, and educational influence arising from enlisting so vast a moral power in the cause of popular education. The repeal of the legal provision by which Clergymen can, in their official character and as a matter of right, visit the Schools, is, of course, a Legislative condemnation of their acting in that capacity; nor can any Clergymen be expected to visit the Schools or regard them with interest, after having been denuded of the right of doing so except by sufferance and as a private individual, while the Clergy in Lower Canada (where a different form of religion most widely prevails,) are placed in so very different a legal relation to the Schools. I felt satisfied at the time, as I have since learned, that the members of the government generally, were not aware that the provisions of the new Act involved such an insult to the Clergy of Upper Canada, and the severance from the Schools of a cordial co operation and influence most important to their advancement. (6.) The new Act contains provisions relating to the ground and manner of admitting into, and excluding books from the Schools, which appear to me fraught with the most injurious and painful consequences, and to which I do not wish to make further reference in this place. (7.) While the present law protects the School Fund against the loss or application of a sixpence for the entire administration of the School system, the new Act permits the whole expense of the local superintendence of Schools to be deducted from the School Fund, and authorizes the alienation of *one-fourth* of the entire School Fund from ordinary apportionments to the establishment and support of Pauper Schools. The discretionary alienation of so large a portion of the School Fund cannot but be injurious to ordinary Schools and their Teachers; and I think the introduction of a class of pauper Schools in the country is most earnestly to be deprecated. I can show that I have not only had regard to feeble and needy School Sections, but that under the provisions of the existing Law, I have invariably met the case of such sections; so that no one of them, as far as I have been able to ascertain, has been deprived of the advantages of the School system on account of its poverty; nay, that such Sections have been aided in a way most effectually to prompt and encourage local exertions, to exempt them from the baneful influence and degradation of constituting a distinct class of pauper Schools, and not to deduct a farthing from the ordinary apportionments to Teachers and Schools. (8.) The new Act requires conditions and forms of proceedings from School Trustees unecessarily onerous and burdensome; and imposes restrictions and obstacles upon Trustees in providing for Teachers' salaries, which cannot fail to cause losses to Teachers and trouble and discouragement to Trustees. This is one point on which the present Law has been justly complained of; but the new Act provides for greatly multiplying those grounds of complaint, rather than removing them. (9.) The method (as provided by the new Act) of getting up local Reports through the medium of County Clerks, who have no practical connection with, or knowledge of the operations of the School Law, has been tried in the State of New-York, and has been found utterly abortive, as I can show from statements on the subject by the State Superintendent.

Such is a summary statement of those provisions of the new School Act which, I feel satisfied, must render its operations a source of incalculable injury to the Schools, and of great dissatisfaction to the people. I can adduce facts and authorities to illustrate and establish any or all of the points above stated, whenever desired. What has been referred to as the popular and remedial features of the new Act—such as the County Boards for the examination of Teachers, Schools for the children of coloured people, the apportionment of certain sums for the establishment of Libraries, extending the facilities of the Normal School, the establishment of a School of Art and Design, adapting the School System to that of Township Councils—were recommended in my communications and Drafts of Bills dated the 14th October, 1848, and 23rd February, 1849; but they are so mutilated and so connected with incompatible and most strange provisions, as to be neutralized and rendered useless. The new Act seems to be the creation of inexperienced theorism and the collection of Sections and parts of Sections from several Acts and Bills without any clear perception of their relation the one to the other, or their working as a whole. Some of the most objectionable provisions were not in the printed copy of the Bill, but were introduced when this Act of forty-nine octavo pages was pressed through the Legislative Assembly in a single hour at the very heel of the Session, after most of the Members' copies of the printed Draft of the Bill had been destroyed by fire, and when perhaps not five persons could form the least idea of its contents, and when the only Member of the Assembly who was a Member of the Board of Education and who understood the law practically as well as by careful examination, and who had expressed his preparedness and intention to offer suggestions and amendments, was known to be absent from his place in the House.

It being necessary that some decisive action be taken in respect to the School System as affected by the new Act, I take the liberty of submitting the following recommendations to the Governor-General, in Council:—

1. That the Corporations of Cities and Towns be advised to take no steps at present, towards cutting up the constituencies which they represent into little independent petty School Sections, but allow the present Board of Trustees to remain for the time being: and under the 17th Section of the new Act, these Boards of Trustees will be invested with all the powers with which it invests any newly elected Trustees. Thus will confusion and the breaking up of all that is doing in Cities and Towns, be prevented until the ensuing Session of the Legislature.

2. That in each of the rural School Sections throughout Upper Canada, one Trustee be elected, as seems to be intended by the 23rd Section of the New Act taken into connexion with the 17th Section (as has been advised by the Attorney General) and as should have been the case had not the present Law been interfered with. Thus there will be no break in the existing School Corporations, and the evils resulting therefrom will be avoided.

3. That as the fourth clause of the Second Section of the new Act provides that the Schools shall be conducted according to such forms and regulations as shall be provided by the Chief Superintendent, the present Forms and Regulations (which are in the hands of all the Trustee Corporations throughout Upper Canada, and are familar to them) be continued unchanged until

the ensuing Session of the Legislature. Then as the 73rd Section of the new act continues the present District Superintendents in office, with their present powers and duties, until the first day of next March, all the operations of the Common School System can be maintained inviolate until that time; no provisions of the new Act will be contravened, and the manifold evils of its introduction will be averted.

4. That on the meeting of the Legislature, the new Act be withdrawn, and the present Law continued with such amendments to remedy its defects and adapt it to the approaching Township Municipal System as I proposed in a Draft of a short Bill transmitted to the Provincial Secretary the 23rd February last, together with any further amendments that a careful examination and consultation, with persons of practical experience, may suggest.

Thus will the people feel themselves relieved of the dreaded task of beginning again to learn the forms and regulations of a new and complicated Law; the friends of Education will feel that there is some stability in the great principles of the system they have laboured so much and so suceessfully to establish, and that it will not be subjected to the caprices of party legislation or the mutations of party power, while it will, from time to time, undergo those amendments and improvements which experience and the progress of society shall demand.

I have the honour to be,
Sir,
Your most obedient Servant,
(Signed,) E. RYERSON.

The Honourable JAMES LESLIE,
Secretary of the Province,
Toronto.

XI.

Reply to the foregoing Letter.

SECRETARY'S OFFICE,
Toronto, 15th December, 1849.

SIR,—I have the honour to inform you that His Excellency, the Governor-General, has had under His consideration in Council your letter of the 7th instant, containing several suggestions with respect to the carrying into effect of the new School Act. His Excellency feels that your practical knowledge of the working of the School System, entitles your opinion to much weight; and as the suggestions offered in your letter appear consistent with the great principles of the School Act, His Excellency has directed that they should be considered in Council with a view to Legislation on the subject during the next Session of the Provincial Parliament. In the meantime, I am instructed to authorize you to adopt such measures as may appear to you expedient, to continue the present Forms and Regulations and to maintain the present system of management of Common Schools in Cities and Towns, so far as you may be able to do so in accordance with the Law.

I have the honour to be,
Sir,
Your most obedient Servant,
[Signed,] J. LESLIE,
Secretary.

The Reverend
EGERTON RYERSON, D.D.,
Superintendent of Schools, U. C.,
Toronto.

XII.

Copy of a Communication to the Secretary of the Province, requesting that His Excellency in Council may be pleased to sanction the holding of Teachers' Institutes in Upper Canada.

(COPY.)

EDUCATION OFFICE,
Toronto, 24th April, 1850.

SIR,—The 65th Section of the present School Act, 12th Vic., cap. 83, authorizes the Governor-General, in Council, to sanction the holding of a Teachers' Institute, (or meeting of Teachers during a few days for professional improvement,) in each County in Upper Canada, "under such regulations as may be prescribed by the Chief Superintendent of Schools."

As the Board of Education for Upper Canada has determined not to commence the next Session of the Normal School before the first of September, it has been proposed and concurred in by the Board, that the Masters of the Normal School should employ a part of the next four months in holding short Teachers' Institutes in the several counties of Upper Canada. The Masters of the Normal School have heartily responded to the proposal; and I think we shall be able to provide for their travelling expenses out of the Grant to the Normal School, and not ask for any part of the sums allowed to be advanced out of the general School Grant by the Section of the Act referred to.

I respectfully pray, therefore, that the Governor-General in Council, will be pleased to sanction the holding of such Teachers' Institutes, during the ensuing Summer.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed,) E. RYERSON.

The Honourable
JAMES LESLIE,
Secretary of the Province,
Toronto.

XIII.

Reply to the Foregoing Letter.

(COPY.)

SECRETARY'S OFFICE,
Toronto, 25th April, 1850.

REV. SIR,—I have the honour to inform you that His Excellency, the Governor General in Council, has been pleased to approve of the suggestions contained in your letter of the 24th instant, viz., that the Masters of the Normal School should employ a part of the next four months in holding short Teachers' Institutes in the several Counties of Upper Cauada.

I have the honour to be,
Reverend Sir,
Your most obedient Servant,
(Signed,) J. LESLIE,
Secretary.

The Reverend
EGERTON RYERSON, D.D.,
Supt. of Schools, U. C.,
Toronto.

Toronto:

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